SERIES XXXI NO. 1

JOHNS HOPKINS UNIVERSITY STUDIES
IN
HISTORICAL AND POLITICAL SCIENCE

Under the Direction of the
Departments of History, Political Economy, and
Political Science

THE LAND SYSTEM IN MARYLAND
1720-1765

BY

CLARENCE P. GOULD, PH.D.
Michael O. Fisher Professor of History in the University of Wooster

---

BALTIMORE
THE JOHNS HOPKINS PRESS
1913

THE JOHNS HOPKINS PRESS OF BALTIMORE.

American Chemical Journal. Ira Remsen, Editor. Monthly. 8vo. Volume XLIX in progress. $5 per year. (Foreign postage fifty cents.)

American Journal of Insanity. Quarterly. 8vo. Volume LXIX in progress. $5 per volume. (Foreign postage fifty cents.)

American Journal of Mathematics. Frank Morley, Editor. Quarterly. 4to. Volume XXXV in progress. $5 per volume. (Foreign postage fifty cents.)

American Journal of Philology. B. L. Gildersleeve, Editor. Quarterly. 8vo. Volume XXXIV in progress. $3 per volume. (Foreign postage fifty cents.)

Beiträge zur Assyriologie und semitischen Sprachwissenschaft. Paul Haupt and Friedrich Delitzsch, Editors. Volume IX in progress.

Hesperia: Schriften zur germanischen Philologie. Hermann Collitz, Editor.

Johns Hopkins Hospital Bulletin. Monthly. 4to. Volume XXIV in progress. $2 per year. (Foreign postage fifty cents.)

Johns Hopkins Hospital Reports. 4to. Volume XVII in progress. $5 per volume. (Foreign postage fifty cents.)

Johns Hopkins University Studies in Historical and Political Science. 8vo. Volume XXXI in progress. $3 per volume.

Johns Hopkins University Circular, including the President's Report, Annual Register, and Medical Department Catalogue. Monthly. 8vo. Volume XXXII in progress. $1 per year.

Modern Language Notes. E. C. Armstrong, J. W. Bright, H. Collitz, and C. C. Marden (Managing Editor). Monthly. 4to. Volume XXVIII in progress. $2 per volume. (Foreign postage twenty-five cents.)

Report of the Maryland Geological Survey.

Reprints of Economic Tracts. J. H. Hollander, Editor. Third Series in progress. $2 net.

Terrestrial Magnetism and Atmospheric Electricity. L. A. Bauer, Editor. Quarterly. 8vo. Volume XVII in progress. $3 per volume. (Foreign postage twenty-five cents.)

Photographic Reproduction of the Kashmirian Atharva-Veda. M. Bloomfield, Editor. 3 vols. Folio. $50.

Poema de Fernan Gonçalez. Edited by C. Carroll Marden. 284 pp. $2.50 net.

The Taill of Rauf Coilyear. Edited by William Hand Browne. 164 pp. $1 net.

A New Critical Edition of the Hebrew Text of the Old Testament. Paul Haupt, Editor. Prospectus on application.

Studies in Honor of Professor Gildersleeve. 527 pp. $6 net.

The Physical Papers of Henry A. Rowland. 716 pp. $7.50 net.

Ecclesiastes: A New Metrical Translation. By Paul Haupt. 50 pp. 50 cents net.

The Book of Nahum: A New Metrical Translation. By Paul Haupt. 53 pp. 50 cents net.

The Hague Peace Conferences of 1899 and 1907. By James Brown Scott. Vol. I, The Conferences, 887 pp.; Vol. II, Documents, 548 pp. $5 net.

Disturbing Elements in the Study and Teaching of Political Economy. By James Bonar. 156 pp. $1.

The Eclogues of Baptista Mantuanus. By Winfred P. Mustard. 156 pp. $1.50.

Diplomatic Negotiations of American Naval Officers, 1778–1883. By C. O. Paullin. 380 pp. $2.

Four Phases of American Development. Federalism—Democracy—Imperialism—Expansion. By J. B. Moore. 218 pp. $1.50.

A complete list of publications sent on request

THE LAND SYSTEM IN MARYLAND
1720-1765

SERIES XXXI NO. 1

JOHNS HOPKINS UNIVERSITY STUDIES
IN
HISTORICAL AND POLITICAL SCIENCE
Under the Direction of the
Departments of History, Political Economy, and
Political Science

THE LAND SYSTEM IN MARYLAND
1720-1765

BY

CLARENCE P. GOULD, PH.D.
Michael O. Fisher Professor of History in the University of Wooster

---

BALTIMORE
THE JOHNS HOPKINS PRESS
1913

PRESS OF
THE NEW ERA PRINTING COMPANY
LANCASTER, PA.

CONTENTS

PREFACE

These four chapters form part of a larger work intended to cover the economic history of Maryland in the period designated. The research for the entire work is about finished, and several additional chapters are now complete; but it has seemed desirable to publish as a monograph the part relating to the Land System, and to present later the other factors in the colonial life of the eighteenth century.

The author is under obligations to Professors J. M. Vincent and Charles M. Andrews for aid and suggestion in the preparation of this work. He also wishes to acknowledge indebtedness to his mother for many of the arithmetical calculations.

C. P. G.

THE LAND SYSTEM IN MARYLAND 1720–1765

CHAPTER I

THE GRANTING OF LAND

According to the terms of the charter of Maryland, Lord Baltimore was given the land "in free and common socage;" and was empowered to "assign, alien, grant, demise, or enfeoff so many, such, and proportionate Parts and Parcels of the Premises, to any Person or Persons willing to purchase the same, as they shall think convenient, to have and to hold . . . in Fee-simple, or Fee-tail, or for Term of Life, Lives, or Years; to hold of the aforesaid now Baron of Baltimore, his Heirs and Assigns, by . . . such . . . Services, Customs and Rents of this kind, as to the same now Baron of Baltimore, his Heirs and Assigns, shall seem fit and agreeable, and not immediately of Us."

With such large powers over land, and with the experience of the earlier colonies concerning the unprofitableness of trade, it is easily seen why the proprietor, to reap his profit, turned toward the exploitation of the soil. Following the plan which had worked so successfully in Virginia, Lord Baltimore provided in his early conditions of plantation for the granting of land to those who would transport settlers into the colony. By each grant there was reserved to the proprietor a perpetual quit-rent, which, though originally payable in wheat, was fixed in 1671 at four shillings sterling per hundred acres. In 1683 transportation of settlers ceased to be the basis for the granting of lands, which were thereafter obtainable only on the payment of a purchase price, called caution money, of two hundred pounds of tobacco per hundred acres. This was raised in 1684 to two hundred

and forty pounds, which rate was doubled during the royal period. In 1717 the purchase price was changed to money at the rate of one penny for each pound of tobacco, making forty shillings sterling per hundred acres.

These terms remained unchanged during the continuance of the commutation law,[1] but after its expiration in 1733 an increase in the land rates again became very tempting to the proprietor. By the instructions to Edmund Jennings, judge of the land office, in that year, the purchase price was left at forty shillings sterling per hundred acres, but the quit-rent was raised from four shillings to ten shillings.[2] Under these terms the number of land grants showed a sharp decrease, so that in 1738 the four shilling quit-rent was restored, but the purchase price was advanced from £2 to £5 sterling per hundred acres. At the same time the land officials were informed that these were but minimum rates, and that higher rates should be demanded wherever, in the judgment of the governor, the secretary, and the judge of the land office, the desirability of the land would admit of it.[3] In practice, however, increased rates were seldom, if ever, demanded. After 1738 there was no further change in the land rates until the Revolution.

The proprietor, however, was not entirely pleased with this settlement. Charles, Lord Baltimore, satisfied with his experiment with a ten shilling quit-rent, seems never to have contemplated raising the rates again; but Frederick, who succeeded Charles in 1751, began almost at once a long series of efforts to increase his revenue from lands. Knowing that the population was rapidly increasing, and seeing that the Penns were obtaining higher rates from their lands, it is not strange that Frederick should have concluded that his charges were too low. In 1753 he appears to have given

[1] See p. 34 et seq.

[2] Land Office, Warrants, Liber EE, p. 306; John Kilty, The Landholders' Assistant and Land-Office Guide, p. 232.

[3] Lower House Journal, May 25, 1744; Land Office, Warrants, Liber LG No. A, p. 135. This instruction bears date "at London 15 Dec^r. 1738," but the precise date on which it reached the colony and went into force cannot be determined.

instructions to grant no land at less than ten shillings sterling per hundred acres, and to require within a specified time the settlement of a certain number of people on each grant. Both Colonel Lloyd, who was then agent, and Governor Sharpe wrote strongly opposing the change, and pointing out that although the rates as then established were not so high as those of Pennsylvania, where agricultural conditions were different, they were, nevertheless, much higher than those of Virginia. Sharpe's advice was accepted, and the rate was allowed to remain as before.[4]

About three months later, Sharpe again wrote opposing an advance in the price asked for land, but this time the advance suggested was of a little different nature. The system of granting lands was such that irregular bodies of ungranted lands were left interspersed among the lands granted,[5] and the proprietor seems to have suggested that these lands in the more populous sections of the province should bring a higher rate than land on the frontiers. Sharpe objected to this advance because the interspersed parcels were always the less desirable land, and were in such small quantities as to be worthless to any but the owners of adjoining tracts.[6] Again the advice of the governor prevailed.

On the breaking out of the Old French and Indian War it became hopeless to think of any advance in land rates,[7] but scarcely was peace declared before Secretary Calvert[8] was sounding the temper of the leading men of the colony on the subject of an increase in the purchase price. His

[4] Archives of Maryland, vol. vi, p. 37.
[5] See p. 15.
[6] Archives, vol. vi, p. 53.
[7] Ibid., vol. i, pp. 161, 294.
[8] Until the accession of Frederick the secretary of Maryland was an officer who kept the provincial records at Annapolis and controlled the county clerks. In that year—1751—the proprietor appointed as joint secretary his uncle, Cecilius Calvert, who lived in England, and who acted as private secretary and adviser. He was paid by contributions demanded from the higher officers of the colony. Being of a suspicious nature, he maintained correspondence with many persons in Maryland, apparently as a check on the governor. He died in 1765, and was succeeded by Hugh Hamersley.

letter to Daniel Dulany brought out a strong reply in which Dulany discussed the whole land situation, and blamed the low price of Maryland land as compared with that of Pennsylvania largely on the enormous fees which were collected by the land officials.[9] The opposition thus developed was sufficient to cause the proprietor again to give up the idea of an immediate advance. Thus, although very anxious to stiffen the terms on which his lands were granted, he was repeatedly induced to abandon the plan by the advice of his own officers, who lived in the colony and were acquainted with conditions there.

Persons who were willing to take up grants of back lands along the disputed borders obtained terms much more liberal than were granted to the patentees of land more desirably located. It is impossible to say just when this policy was inaugurated. In 1697 Governor Nicholson, writing to the Board of Trade, advised that the lands around the head of the bay be peopled as the first step toward the settlement of the boundary question.[10] A similar desire to take possession of the lands in dispute between Lord Baltimore and the Penns may have given rise to the policy of cheapening the back lands, for it is of this same disputed country that Philemon Lloyd was speaking when, in 1722, he wrote, "Now, th^{t}. we are about Lycencing our People, to make Remote Settlem^{ts}, we must likewise use the Proper Measures to protect them."[11] Though these words of Lloyd suggest that the policy of encouraging border settlements may have been springing up in 1722, there is nothing to prove that special rates were offered for the border lands before 1732. By that time the tide of German and other immigration was streaming from Pennsylvania across Maryland into the Valley of Virginia, and it is possible that the plan was partly intended to induce some of these people to settle in Maryland.

At all events, it was proclaimed in 1732 that any person

[9] Calvert Papers, No. 2, pp. 241–42.
[10] Calendar of State Papers, Colonial Series, America and West Indies, 1696–1697, p. 422.
[11] Calvert Papers, No. 2, p. 57.

having a family, who would actually settle on any of the back lands of the north and west boundary between the Potomac and the Susquehanna river, might have two hundred acres in fee without payment of any part of the forty shillings per hundred acres caution money, the quit-rent at the rate of four shillings sterling per hundred acres to begin three years after settlement. Unmarried persons might have one hundred acres on the same terms.[12] By the instructions to Edmund Jennings in the next year provision was made for the continuance of this policy by permitting the governor and the judge of the land office to grant lands on the frontiers or borders at whatever rates seemed to them proper.[13] These favors were not confined to the boundary and western lands, however, for we find that many settlers seized an opportunity to take up land on the borders of Somerset and Worcester counties, with an indulgence of six months in which to pay the caution money. The judges of the land office spoke so favorably of this scheme that the proprietor empowered Governor Ogle to extend it to the rest of the Eastern Shore.[14] It was later found advisable to appoint separate officers to carry to the frontiers the facilities for taking up lands without coming to Annapolis.[15] Land office papers show special accountings by these men for lands disposed of below the regular rates.[16] This policy contrasts with the proprietor's tendency toward increasing his demands; but by enabling settlers to occupy back lands and make one or more crops before being called on to pay any charges, it must have aided greatly in the settlement of the frontier, and ultimately must have increased the proprietary income.

In 1681 and 1684 the proprietor organized an office to manage the sale of his lands. Though the system was wrecked during the troubles of the royal period, the idea was retained, and after the restoration a new organization

[12] Archives, vol. xxviii, pp. 25–26; Kilty, p. 230.
[13] Land Office, Warrants, Liber EE, p. 306; Kilty, p. 232.
[14] Kilty, pp. 239–40.
[15] Ibid., p. 76.
[16] Calvert Papers, MS., Nos. 921 and 924.

was set up. In 1715 Philemon Lloyd was commissioned as deputy secretary by Thomas Beake and Charles Lowe, who at that time were jointly secretaries. By virtue of this commission Lloyd assumed the title of "judge of the land office," and appointed Edward Griffith to be register and keeper of the land records. Lloyd was formally commissioned by the proprietor four years later. He was succeeded by Edmund Jennings in 1732, Levin Gale in 1738, and Philip Thomas in 1744. In 1764 two judges were appointed, and the office continued to be double from that time to the Revolution. By their commissions the judges of the land office were to grant warrants for taking up lands, to hear such cases as might arise in connection with this business, "and to decide them according to right reason and good conscience" and the several instructions sent them by the proprietor.[17] That is, they were to take entire charge of the issue of land patents, and to hear and decide all disputes that should arise in the course of these transactions. The instructions show, however, that the land office was always under close scrutiny by the proprietor, and that on important matters the judges were often required to have the advice and consent of the governor and the agent.[18]

Under the judges of the land office the chief officials were the surveyor generals and the examiner general. The surveyor general was an officer of old standing; before the close of the seventeenth century it had become customary to appoint a surveyor general for each shore. After the restoration of the province in 1715, however, the person who held the governorship was always commissioned surveyor general of the Western Shore.[19] About the only duties of these officers were the appointment of a deputy surveyor in each county and the transmission of instructions and warrants to and from these deputies. After the appointment of the examiner general the surveyor general even ceased to see the warrants returned by the deputies.

[17] Kilty, pp. 231, 269–70.
[18] See instructions to Jennings, in Kilty, p. 232.
[19] Archives, vol. xiv, p. 557.

In 1722 John Gresham was appointed "examiner general of all plats and surveys made by the several surveyors of each county."[20] It is probable that his and his successors' duties were to see that the surveys returned by the deputy surveyors were in due form, to make certain that the amounts included were correct, to see that the land lay in a compact body and was not strung out so as to include none but good land, and to take care that the lines coincided as nearly as possible with the lines of former grants so that there should be no small parcels of ungranted lands left interspersed among the granted lands. These duties were very badly carried out,—probably, Kilty thinks, because of a conflict of powers between the examiner general and the surveyor general in the control of the deputy surveyors.[21]

In order to take up lands through the land office the applicant came first to the proprietor's agent and paid the purchase price[22] for the amount of land required. The receipt for this was an order to the judges of the land office for a common warrant for the specified number of acres. The warrant, when made out by the clerk or register of the land office and signed and sealed by the judges, was directed to the surveyor general of the proper shore, and theoretically was delivered by him to the deputy surveyor of the county in which the patentees desired the land to be located. In practice, however, the patentee himself probably took the warrant to the deputy surveyor.[23] The deputy surveyor then surveyed the land in whatever part of the county the patentee desired, and having done so, returned to the examiner general the warrant, with a certificate describing the situation and bounds of the land. When satisfied as to the correctness of the certificate, the examiner affixed his endorsement of approval and sent it again to the land office,

[20] Kilty, p. 295; Archives, vol. xxv, p. 346.
[21] Kilty, pp. 271–72; Archives, vol. vi, p. 405.
[22] This was £2 sterling per hundred acres from 1717 to 1738 and £5 sterling per hundred acres from that time until the Revolution.
[23] Such was the case with a warrant mentioned in the Lower House Journal, August 5, 1732. The sale of warrants also shows that the patentees must have had possession of them.

so that a patent might be drawn up. When this patent was sealed by the chancellor, it might be taken out by the patentee whenever called for, and it constituted a title to the land described. If, however, the land to be taken up had been cultivated by some one who had no right to it, or if it was contiguous to land already held by the applicant, the procedure had to be varied so as to permit the officers to collect an extra payment to cover the value of any improvements there might happen to be. In this case the applicant came at once to the judges of the land office, and petitioned for a special warrant to survey certain specified land or for a warrant to resurvey his own land with leave to include the contiguous tract. This warrant then followed the same channels as the common warrant, with the exception that the deputy surveyor returned a full description of the land and its improvements, from which the judges of the land office placed a valuation on the property, and that the patent issued only after the patentee had settled with the agent for the regular purchase price and any additional sum that might have been demanded for the improvements.[24] Governor Sharpe wrote that he could suggest no improvements in this procedure, and he tells us that it was generally recognized as the most regular and unexceptionable scheme of land-granting in all North America.[25]

Though the grant was not complete until the patent issued, yet the warrant was salable at any stage of its progress. Moreover, the applicant might even divide his warrant and sell it off in parcels, so that on the one warrant several patents would issue granting parts of the land to various

[24] This scheme was abused by persons who secured warrants and permitted them to go as far as the return of the certificate, but did not take out the patent. By this means the land was held, but neither purchase price nor quit-rents were paid. In 1730 it was proclaimed that after the expiration of two years all lands held on such certificates longer than two years would be considered again open to warrant and survey. On August 13, 1732, this threat was proclaimed to be in effect, and several later warrants show that it was not idle.

[25] Archives, vol. vi, pp. 403–5; Case of Lord Baltimore, 1733, among uncatalogued state papers in the Maryland Historical Society.

persons. In 1712 Charles Carroll, while agent in control of land affairs, was instructed not to permit this petty assignment of warrants; but the practice was never stopped.[26] Throughout the period persons frequently took out warrants without any intention of taking up the land, but merely for the purpose of selling the warrant either as a whole or in parcels.

Notwithstanding the fact that the land office was open to all comers, the warrant had a monetary value because of the caution money and the enormous fees which had to be paid before obtaining it. Each official mentioned above and many deputies and subordinates who are not mentioned were paid entirely by the fees of their offices, so that every possible service in preparing and executing the papers demanded a separate reward. Since the land was looked upon as the private property of Lord Baltimore and the land office was regarded as his personal affair, these charges were left untouched by the wholesale reductions in fees made by the legislature. Only now and then did the Lower House show a tendency to find fault with the costs of the land office.[27] When the tobacco inspection bill was under consideration in 1747, the legislature was about to reduce the land office fees along with all others; but a reminder of the private nature of land affairs was sufficient to cause them to leave those charges as before.[28] Thus it happened that in the later colonial period the fees of the land office were much higher than those in any other branch of the government, and constituted a severe burden on the settler. In 1764 Daniel

[26] Kilty, p. 276; see also numerous assignments among the land warrants.

[27] Upper House Journal, October 31, 1724.

[28] "When the Inspection Law first took place & the Assembly were for applying their pruning Knife to the Fees of the Land-office etc., they were told, that this office was peculiarly his Lordship's; that, as he might demand what he pleased for his Lands, so might he regulate these Fees, as he thought fit; that it was nothing to the People, it was not a publick office to which They were obliged to apply, it being in their option whether They wou'd take up Lands, or not; that the Fees were to be consider'd as part of the Terms of the Purchase, w^ch^ my Lord, had a right to fix" (Dulany to Calvert, in Calvert Papers, No. 2, p. 242).

Dulany wrote to Secretary Calvert, "Petitions, Draughts of petitions, orders, Warrants, Renewments, Recordings again, Examinings, Patents, Recordings again, Seals, to say nothing of Perquisites, contingent Hearings, & Lawyers fees, are very expensive in Maryland." He further estimated "that the Fees charged by the Judges or Registers of the Land-office, Surveyors, Examiner, Clerks, Chancellor, amount to an annual sum of at least, by the most moderate Computation, Half a Million of Tobacco."[29]

True to this policy of non-interference with the proprietor's personal affairs, the Lower House during the period under consideration never made a serious effort to meddle with the land business; but mutterings of discontent were frequently heard. There seems to have been woeful ignorance of land matters both in England and in America,[30] as the only documents relating to them were in private letters and books of instructions. In 1729, therefore, it was resolved by the Lower House to be a grievance that the terms on which land was granted were not made public, and it was ordered that the committee which was then transcribing the records should collect these conditions in one book.[31] In the same year the judicial powers of the judge of the land office were taken into consideration; and though the house showed discontent that such wide jurisdiction should be exercised by one not responsible to the legislature, yet the matter was passed over without action.[32] In 1732 the Lower House undertook an extended investigation of the method of reserving lands on warrants without issuing patents. The committee appointed to look into the matter found that several warrants issued for amounts of land varying from ten to ten thousand acres each had been located in enormous tracts which were not definitely fixed, thus tying up all other warrants for land in those territories until the surveys should be made. In this way three or four men held

[29] Calvert Papers, No. 2, p. 241.
[30] Lower House Journal, August 4, 1729.
[31] Ibid.
[32] Ibid., July 30, 1729.

options on all vacant lands on the Potomac, between the Monocacy and the Susquehanna, and back of the Eastern Shore settlements from the Pennsylvania line to Dorchester County.[33] Although these abuses were causing prospective settlers to pass on to Pennsylvania and Virginia, yet the matter was held over to the next session and nothing was done.[34] Probably mere exposure of the abuse was sufficient to bring it to an end.

On one point the assembly did interfere in a small way with land affairs. In the erection of towns the act granting the charter sometimes made special provisions regarding town lots, fixing the prices at which they might be purchased, interfering with the escheat, and even abolishing the quit-rent. Acts of this sort led to controversies between the two houses of assembly, and one act for Princess Anne Town even received the proprietary dissent.[35] It was not very important for the legislature to control land affairs, because in the patenting of lands the interests of the proprietor and of the people were not very divergent. Both were benefitted by getting the lands taken up and settled, and difficulties arose chiefly through the selfishness of a ring of office-holders and grantees who disregarded the rights of proprietor and people alike.

One of the greatest frauds against the proprietor was in the matter of surplus lands. The ignorance, and often the knavery, of deputy surveyors caused them in many cases to include within the lines run much more land than the warrant called for. It was very easy for a surveyor to satisfy his conscience by the argument that a little land more or less cut out of the forest would be a matter of indifference to Lord Baltimore, who still had thousands of acres going to waste. It would, therefore, be folly to take any

[33] The same object was accomplished in a smaller way by failing to mark the boundary tree and showing different lines to persons who contemplated patenting adjoining land; thus land was held open on each side of the true grant (Chancery Record, December 26, 1752, Liber BT No. 1, p. 176. Lordship v. Spalding).

[34] Lower House Journal, August 5, 1732.

[35] Calvert Papers, No. 2, p. 154.

great trouble in measuring accurate lines through difficult places, to refuse to oblige a friend, or even to reject a tempting bribe. Under these conditions it was to be expected that the grants would show great inaccuracies of acreage. Two, three, five, and even ten times as much land was sometimes included in the survey as was called for in the grant.[36] The excess was generally called surplusage.

The resumption of these surplus lands by the proprietor was an undertaking of considerable difficulty. In the first place, the surplus had to be discovered, and the owner himself was probably the only one who knew of its existence. It was very difficult, therefore, for the proprietary authorities to proceed of their own accord. It was also claimed that the grantees had nothing to do with the surveying, and that if there was any mistake, it was made by the grantor's own agent and the proprietor should be the loser. Moreover, the legality of the proprietor's claim was questioned. The patents were always for lands within certain bounds containing a certain number of acres "more or less," and the holders of surplusage insisted that this phrase precluded all claims for land above the specific amount. During the last half of the seventeenth century the doctrine was worked out that these words covered not over ten per cent. one way or the other,[37] but it was impossible to get any such rule accepted by the people.

In the early period of the proprietary government, probably through the activity of the officials, many persons were brought to resurvey their land and take up the surplus; but this ceased when the proprietor's grip was loosened during the royal period, 1689 to 1715.[38] The legal disputes at this time caused Lord Baltimore to submit the case to Sir Edward Northey, one of the crown attorneys, who returned an opinion unfavorable to his client.[39] With this additional handicap, nothing could be accomplished under the govern-

[36] Case of Lord Baltimore.
[37] Kilty, p. 199.
[38] Ibid., p. 196.
[39] Calvert Papers, No. 2, p. 89.

ment as it then existed; and though the claims were not abated, all active support of them was suspended.

On the restoration of the province, however, it was inevitable that the matter should be fought out to a conclusion. We shall see reasons for suspecting that an act for maintaining boundaries, passed in 1718, was a veiled attack on this claim.[40] But the proprietor's victory on this occasion did not embolden him immediately to take any aggressive action, and not until 1733 was there any decided move in the matter. Among the instructions to Edmund Jennings, judge of the land office, in that year was one commanding him to inform the attorney-general of any surplusage that might come to his attention, in order that proceedings might be instituted to make void the patent. In case of annulment of the patent, Jennings was to issue a new one to the patentee for the same number of acres that the old one had called for, and to regrant the surplusage to any one who should apply, charging for caution money whatever seemed proper to the chancellor (governor) and the agent, and reserving a quit-rent of four shillings sterling for every hundred acres.[41] On June 14, 1733, the very day after the dating of these instructions, a proclamation was issued calling attention to the fact that in spite of repeated warnings many persons, depending on the clause "more or less," had neglected to take up their surplusage. Notice was given that all who failed to take up such surplusage within two years should be proceeded against by law to vacate their grants as fradulently gained. The proclamation further threatened that no person who allowed the time to elapse should ever obtain a grant for such surplus; any one discovering it should have a preemption on the land and two years' rent free.[42]

This was a bold attempt, and it created a stir among landholders. Sir Edward Northey's opinion that surplusage was not recoverable by the proprietor was much made use

[40] See p. 26.
[41] Land Office, Warrants, Liber EE, p. 308; Kilty, p. 233.
[42] Archives, vol. xxviii, p. 44; Kilty, p. 200.

of among the people to assure themselves of the impossibility of that procedure. Consequently, on the advice of the governor, it was decided that the case as stated to Northey was unfair to the proprietor,[43] and it was again presented to a crown lawyer, this time to Thomas Lutwyche. Again, however, the decision was unfavorable;[44] but in spite of the lawyers' opinions the proprietor went on to execute his threat. On January 12, 1735,[45] there was issued the first warrant to a discoverer of surplusage, giving the right to resurvey the lands of another, as had been promised in the proclamation; and such warrants continued to be issued for several years, the last being dated July 12, 1738. They created much confusion among the holders of surplus lands, and caused an outcry all over the province.[46] But the proprietary authorities braved the storm, and the attorney-general filed several cases in chancery for the purpose of vacating grants on the plea that they contained surplus. This seems to have increased the opposition, and in the legislature of 1739 it was reported as a grievance that the lord proprietor had issued these proclamations of pernicious consequence to the peace and safety of the people, tending to raise law suits and dispossess families of long tenure. It was also considered a grievance that the attorney-general had filed his suits in chancery "to the subver-

[43] Gov. Ogle to Lord Baltimore (Calvert Papers, No. 2, p. 89).

[44] Lutwyche wrote as follows on December 28, 1733: "I am of opinion that the grant is good, for tho where a grant is made by the Crown and the King is deceived in his grant, the grant is void in law, yet I do not know that it is so in case of a Ld. Prop. of a Prov. unless there may be some law made for that purpose. But upon the head of fraud I shd. think that if anything of that appears in the case, a court of equity shd. give relief as they do in other cases where people are imposed on, and where such collusion appears between the officers and the grantee with intent to deceive the Ld. Prop. I think it is reasonable that the Ld. shd. have relief provided a bill is brought in a reasonable time; but without voiding the former grants by some legal or equitable method, I do not think new grants can be lawfully made" (Uncatalogued state papers in Maryland Historical Society).

[45] Land Office, Warrants, Liber FF, p. 73.

[46] Kilty, p. 197. Kilty says that he was "informed that the claimants under such patents did not succeed at law."

sion of the Landed Estate or Property of the Good People who have honestly paid for the same."[47]

Although very many persons were thus brought to take up their surplusage,[48] the general dissatisfaction proved too much for the proprietor. As early as 1735 he showed signs of weakening, for a proclamation of that year offered as a special favor to waive the section of the earlier proclamation which had threatened that none who failed to take up their surplusage before June 14, 1735, should ever obtain a grant for such surplus.[49] The cessation of the issue of warrants to discoverers of surplusage was another acknowledgment of weakness; and if, as Kilty was informed, the suits were decided against the discoverers, this fact must have completed the defeat of the lord proprietor. At all events, the attempt to push the claim to surplus lands was carried little further. The claim was not surrendered, however, for instructions to Governor Ogle in 1743 permit him to grant surplus, not at a rent of four shillings sterling per hundred acres according to the proclamation of 1733, but at the same rate as in the original grant, the purchasers paying the purchase money, interest thereon, and rent from the date of the original grant.[50] Except in very recent grants these terms were less liberal than those of 1733. Although Kilty says that after 1747, petitions for resurvey seldom mention the taking up of surplus land as a reason for the survey,[51] yet it is probable that such lands continued to be taken up. In 1754 Governor Sharpe wrote that in many counties people were so anxious to secure their lands against any possibility of dispute that there was

[47] Lower House Journal, May 31, 1739.

[48] In 1739 there were but 10 resurvey warrants issued between June 23 and December 31; in 1734 there were issued 113 such warrants; in 1735, by June 14, when the time limit was to expire, there had been issued 80, and for the whole year the number was 105; the numbers for later years were as follows: 1736, 69; 1737, 81; 1738, 43; 1739, 61; 1740, 59. Most of these resurvey warrants were to take up surplus.

[49] Kilty, p. 201.

[50] Archives, vol. xxviii, p. 256; Kilty, p. 237.

[51] Kilty, p. 198.

no need to issue a proclamation urging them to take up surplus.[52] Later in the year Sharpe again wrote that the conditions of 1743 were too rigorous, and that if the taking up of surplus were permitted without paying arrears of rent, many persons holding large amounts would resurvey at once.[53] In 1756 a proclamation was issued granting such terms. It reminded the holders of surplus land that their grants might be invalidated, but as an act of leniency offered to permit all who applied within two years to take up their surplusage at the same rate as the original grants allowed, without paying any arrears of rent.[54] Probably the increasing scarcity of lands caused their possessors to take more care of their titles than previously, so that no further efforts of this nature were ever necessary. At all events, we hear of no more attempts to force the landholders to take out patents for their surplusage.

Somewhat entangled with the matter of surplus lands was the question of boundaries. The system of granting lands led to no regularity in size, shape, or location of grants. The proprietary instructions always forbade what was technically known as stringing,—that is, running the lines so as to avoid undesirable land,—and ordered that the grants be run as nearly as possible in the form of a rectangle.[55] But in the loose government of the proprietor, giving orders to the judges of the land office and getting the deputy surveyors actually to carry them out were very different matters. The officers were in such close association that it was of little use to put one to look after another. Consequently grants of land assumed all sorts of fantastic shapes, running wherever a vein of fertile soil enticed, and avoiding gullies, swamps, and the undesirable parcels. To maintain such intricate boundaries in the midst of a virgin forest was a problem requiring the most painstaking care. The most accurate surveying and plotting and the best of

[52] Archives, vol. vi, p. 38.
[53] Ibid., vol. vi, p. 92.
[54] Kilty, p. 203; Maryland Gazette, January 22, 1756.
[55] See instructions to Edmund Jennings, in Kilty, p. 232 ff.

boundary stones would still have left room for disputes to arise, but neither of these aids to accuracy was to be had. The surveyors were planters of the counties, appointed through influence with the surveyor general, and often with only the roughest knowledge of surveying. Moreover, the persons who were interested in having the lands strung out or underestimated were often friends, relatives, and men who paid well, while those who were interested in having the work carefully and accurately done were far away in Annapolis and London. The objects used for boundaries were frequently of a temporary nature—rarely a small stone set up, occasionally a natural object, sometimes a road, which at this period was very temporary, but usually a tree marked to show that it determined a line. In Kent County, it is said, even a pigsty and a haycock were used to mark the lines of surveys. With such careless surveying and such perishable monuments it is not surprising that the maintenance of boundaries became a problem of great difficulty.

In the general code enacted in 1715 there was included an act for ascertaining the bounds of lands. A board of five men in each county was empowered to try all cases without the formalities of a court. They might inform themselves of the facts by hearing testimony, by visiting the lands, or by any other convenient method. Review of their decision could be obtained only by petitioning the governor for a special commission, on which the governor might appoint a member of the council or of the provincial court and two persons skilled in surveying to rehear the case.[56] The act was to run three years, but it was repealed and a new act was passed in 1718, which was somewhat similar to the one of 1715, except that it provided nine commissioners in each county, from whose decision there lay only the ever permissible appeal to England.[57] The object of this law, as expressed in the preamble, was to provide "A

[56] Bacon, Laws of Maryland, 1715, ch. 45; text given in Kilty, app. xvi.

[57] Lower House Journal, May 1, 2, 1718.

Remedy for the more Exact Settling the bounds of all such Antient Surveys as have been darkly & Unskillfully Exprest," to prevent the great cost of trials by juries in the provincial courts and the frequent appeals to the superior courts, and to provide against the necessity that the poorer inhabitants were sometimes under of giving up their lands rather than undertake the expenses of a journey to Annapolis and prolonged litigation.

The storm which arose over the act indicated that there must have been more at stake than the convenience of a few suitors. Philemon Lloyd speaks in a letter to London of the discussion the law was causing in the province and of the many high-handed decisions by commissioners from which there was no appeal, and suggests that the finality of the commissioners' decision might affect the claims of the proprietor to any surplus lands that should happen to be included within the lines of a tract.[58] It is not impossible that the proposal was a dark scheme to attain this end. At any rate, the proprietor vetoed the bill,[59] thus leaving the colony without any special regulation of boundaries. As the veto message had found fault especially with the lack of appeal, the Lower House at once proceeded to remedy this defect; and in spite of the opposition of the Upper House succeeded in securing a special commission of review in each county, thus avoiding all schemes that would throw the final decision into the hands of the regular courts.[60] A great number of petitions for relief against unjust decisions by the commissioners, which had already accumulated before the house, were also referred to these commissioners of review.[61] This act, like the former, received the dissent of the proprietor; and although the

[58] Calvert Papers, No. 2, pp. 1–20.
[59] Lower House Journal, April 21, 1720.
[60] Kilty, app. xvi.
[61] Lower House Journal, April 18, 20, October 14, 1720. Notice especially the complaint against Thomas Addison of Prince George County and his indignant replies, in Lower House Journal, April 13, 1720.

Lower House undertook to support it by an address to Lord Baltimore,[62] the latter held firm.

If it was the purpose of the Lower House during these controversies to aim a blow at the proprietor's claims to surplus lands, the purpose must have been given up when it was found that the address to Lord Baltimore brought no results. The next year, 1722, a penalty of five thousand pounds of tobacco was imposed on any one interfering with boundary trees;[63] and the following year, 1723, without any apparent friction, an act was passed permitting the county courts, on the petition of any one seized of lands, to grant a commission of four freeholders, who might examine witnesses or inform themselves in any other way concerning the proper bounds of the lands in dispute, and who should record their findings among the county records.[64] These records were then final evidence in all land cases. This act continued throughout the colonial period, and the numerous records of such commissions testify not only to the smooth working of the law itself, but also to the enormous number of boundary disputes which arose during the period.[65]

---

[62] Lower House Journal, August 5, 1712.
[63] Bacon, 1722, ch. 8.
[64] Ibid., 1723, ch. 8.
[65] In 1750 and at various times thereafter bills were introduced to establish the boundaries of lands by means of processions. It is impossible to say what was the object of trying to revive this quaint custom, but the bill always received a prompt defeat in the Upper House. Coming at this time of controversy, the bill strongly suggests some covert attack on the proprietary privilege (Lower House Journal, May 11, 1750, May 5, 1761, etc.).

CHAPTER II

THE CHARGES ON LAND

The chief purpose of the proprietor's policy was to create a permanent revenue from the province. His land grants, therefore, were not in fee simple, but retained certain permanent liabilities. These liabilities were the escheat, the alienation fine, and the quit-rent.

The lord proprietor met less determined opposition to his claim to escheats than to his claim to surplus lands. The charter gave Lord Baltimore an undoubted right to all escheats, but it did not define what an escheat was. In England at this time lands could escheat only in two ways—by failure of heirs, and by attainder of blood; but Baltimore seems to have extended the escheat to include also forfeiture by suicide or treason and failure to conform to the conditions of the grant. Failure of heirs was also given broad interpretation, and was made to exclude certain relatives who would ordinarily be considered very close heirs.[1] Cases are found which would indicate that without a will a father could not inherit from a son or a man from his wife.[2] These may be exceptional cases, however, as there probably never was a definite rule laid down to govern the subject. Whether controlled by any definite regulations or not, escheats must have returned a large revenue to the proprietor. A new country such as Maryland during the first half of the eighteenth century must have contained an exceptionally large proportion of persons without any

[1] Kilty, in referring to the cases which constituted failure of heirs, says: "What they were can be judged only by inference from particular cases, for no precise instructions from the proprietary on that subject are to be found on record, and the laws of the province are silent about it. I should suppose that if a man died without leaving heirs of the whole blood in the direct descending line his lands were held liable to escheat" (p. 175).

[2] Kilty, pp. 175, 184.

known relatives; and this, coupled with the numerous situations which occasioned land to escheat, gave rise to the great number of such cases appearing in the records.[3]

Like surplusage, escheats were sometimes hard for the land office to find. Whenever they came to the attention of the proprietor's agent or other officers, they would be proceeded on by the attorney-general; but many cases never came to the attention of such officers. In order to lead to their discovery, therefore, it was customary to allow the discoverer the preemption of the land at two thirds its value;[4] and after the early part of 1736 a quit-rent of only four shillings sterling[5] was reserved, though common lands continued for two years longer to bear a quit-rent of ten shillings sterling. Though many escheats are recorded, it is difficult to say how great an effect these offers produced.

Notwithstanding the large number of escheats occurring all over the province and the very questionable character of the proceedings when considered in the light of the English law of the day, opposition to the process developed late. Not until nearly 1760 was there any great protest. Bordley, writing on July 4 of that year, speaks of "Restoring those Rights to ye Same state of Security in which they were not long since; for 'tis but lately that they have been . . . attacked." The same letter describes a trial before the provincial court in June, 1759, from which it appears that in fact some of the judges on that bench were inclined toward the new doctrine of the illegality of escheats. The lawyers opposing the escheat boldly declared, first, that the death of a father and a grandfather seized of the lands

[3] See the numerous regrants of escheat land shown in the warrant books at the land office.

[4] See instructions to the judge of the land office, in Kilty, p. 234. See also proclamation of June 17, 1733, in Archives, vol. xxviii, p. 45. Kilty says that as the improvements on the land were all valued and added into the purchase price by the officials, this offer might easily be defeated if the officials saw fit to value these too highly (p. 174). For an instance that failed, see Archives, vol. vi, p. 13. This also shows the hardship and confusion which enforcement of escheats sometimes caused.

[5] Land Office, Warrants, Liber FF, p. 118.

which in each case descended to the son constituted a bar to an escheat which had occurred before the grandfather came into possession; second, that the receipt of quit-rents from a person seized of lands was a bar to an escheat which had occurred before he came into possession; and third, that possession of lands for twenty years was a bar to escheat. Through very irregular proceedings and the favor of the jury the opposition won its case. The anti-proprietary party made a great effort to show that this decision completely broke down the proprietary claims to escheats, and the proprietary party was equally strenuous in showing that it was decided on grounds which did not affect that claim.[6] The latter party seems to have prevailed, for the escheats were enjoyed by the proprietor on down to the Revolution, but probably in the face of an ever increasing opposition.

Another liability which Maryland lands suffered through the feudal character of the province was the alienation fine. Since the year 1658 patents had carried a clause requiring a fine equal to one year's rent on every alienation, or transfer, of the land. During the first twelve years of the period under consideration these fines, along with the quit-rents, were commuted for a tobacco duty;[7] but from 1732 on to the Revolution they were always collected wherever possible.

The collection of alienation fines would have offered little difficulty had it been necessary to record all transfers of land, for in that case the exchanges could easily have been taken from the land records and charges could have been entered against the land. Indeed, the clerks themselves might have been instructed not to record an instrument until the fine was paid; but the state of the law was not so favorable. In 1715 an act was passed for the enrollment of transfers, by which all deeds of bargain and sale, to have binding legality, had to be recorded. This law was in force in 1733 when, at the expiration of the commutation act,

[6] Bordley to Sharpe (Maryland Historical Society, portfolio iv, no. 53).

[7] See below, pp. 34–39.

alienation fines again became due; but since the enrollment act mentioned only deeds of bargain and sale, the people soon resorted to various schemes of transferring land by instruments of a different nature, which needed no recording and did not, therefore, betray to the collectors the fact that there had been an exchange. By such means the payment of alienation fines was so frequently avoided that the claim yielded little profit to the proprietor.

Though the people avoided payment of alienation fines, they seem only once to have set on foot a popular movement against them. About 1735, when efforts were being made to squeeze out surplusage and to increase the quitrents, a similar effort was put forth to extend the alienation fine to all transfers of land by devise. All of these particular transfers had to pass through the hands of the commissaries, thus furnishing convenient data from which to make up the collectors' accounts, and offering a tempting field for the extension of the proprietary claims. Sharpe ascribes to Daniel Dulany, the elder, the first suggestion that the proprietor was legally entitled to these payments.[8] On somebody's suggestion, at any rate, the proprietor, about 1735, ordered his agent to collect fines from all devises of land. This order created opposition in the province; some refused to pay; and in 1739 the committee of grievances of the Lower House of Assembly reported these demands as an innovation and a grievance.[9] Three years later the agent was instructed to forego this claim, in consequence, the colonists believed, of an unfavorable opinion rendered to the proprietor by some lawyer of England.[10] Thus ended the greatest controversy that ever arose over the alienation fine in Maryland.[11]

[8] Archives, vol. ix, p. 504. Sharpe is clearly wrong in dating this suggestion 1742; it is evidently a guess.

[9] Lower House Journal, May 28, 1739.

[10] Archives, vol. xxviii, p. 291; Kilty, p. 239; Archives, vol. ix, p. 504.

[11] J. W. Thomas seems to have mistaken the alienation fine on devise for a heriot, and concludes from this instruction that the heriot had existed in Maryland down to this time (Chronicles of Colonial Maryland, p. 94).

After this defeat the proprietor's insistence on alienation dues seems to have lagged a little. Fines were still collected as in the past, but for some years there was no special effort to increase the revenue from this source. In 1754 Sharpe suggested the novel and ill-omened scheme of a parliamentary stamp tax as the only means of ever bringing all deeds to enrollment, for the assembly, he said, would never bring this about.[12] Some time during the later fifties, however, Daniel Dulany, the younger, wrote to Secretary Calvert suggesting that a much greater revenue could be obtained from alienation fines.[13] The elder proprietor, with his experience of the early opposition, had by this time passed away, and Frederick was persuaded by Dulany's letter to assert his claims even at the risk of incurring the popular displeasure. He seems to have supposed that if all the fines were paid they would have amounted to as much as the quit-rents, and he wrote to Sharpe in 1761 to push their collection, even ordering that fines on devises be again demanded.[14] Dulany himself could not accept the advanced idea put forth, and he sacrificed much of the favor of Lord Baltimore by denying that a non-payment of alienation fines gave the proprietor a legal right to reentry on the land. Fortunately for Frederick, he was represented in the colony by officers wiser than himself; and these officers, on this occasion standing between him and the people, prevented all attempts at a rigorous enforcement of the policy concerning alienation fines.

After the victory over fines on devises, opposition to alienation fines seems not to have been a very popular movement. The people felt the need of a compulsory enrollment of deeds, and on several occasions, notwithstanding the opportunity thus given to discover alienations, passed laws

[12] Archives, vol. vi, p. 99.
[13] Calvert Papers, No. 2, p. 196.
[14] Archives, vol. ix, p. 503. Baltimore's idea of the amount of the fines appears ridiculous when we remember that the fine was equal to one year's quit-rent, so that all the land in the colony must change hands each year to make the fines equal the rents.

for this purpose. In each case, however, the bill was in some obscure way killed by amendments in the Upper House.[15] The bill to this effect brought forward in 1764 seems to have been in every way acceptable to the proprietary party, but when it came into the Upper House, the councillors, in spite of Dulany's opposition, insisted on a bold amendment making the payment of the alienation fine essential to the validity of all transfers. The Lower House, as Dulany had predicted, promptly refused to concur.[16] Thus from greed, or from a blind insistence on what they thought their rights, a favorable opportunity for making the alienation fines yield their full value was thrown away. The policy of the Lower House in this respect seems always to have been to leave the proprietor unmolested in collecting what fines he could, but to do nothing that would recognize his right or aid him in its exercise.

In some ways closely connected with the alienation fine was the final burden on Maryland lands—the quit-rent. From the very beginning the proprietor had reserved to himself a perpetual quit-rent from all lands granted. We have seen[17] that in successive conditions of plantation the rent was gradually raised from twenty pounds of wheat to four shillings sterling, then to ten shillings sterling for every hundred acres, being finally reduced to four shillings sterling again; and that it was left to the discretion of the agent and judges of the land office to ask more when the lands would bear it. It is now in order to examine the quit-rent with regard to methods of collection, the hardships which it brought upon the people, and some of its results on the colony.

Although the quit-rents were always[18] payable in sterling money, the lack of specie during the seventeenth century

[15] Lower House Journal, May 20, 1756; May 5, 1761. It is not safe to conclude that in each case the Upper House was pursuing the same stupid policy as in 1764; the Lower House may have framed bills too obnoxious to pass.

[16] Calvert Papers, No. 2, pp. 234–37; Archives, vol. xiv, p. 174.

[17] See above, p. 9.

[18] A few early grain rents must be excepted.

made it necessary to accept them in tobacco; and this brought up unavoidable disputes as to the value of tobacco. In 1671 the proprietor agreed in payment of alienation fines and quit-rents to accept tobacco at the rate of twopence per pound in consideration of a duty of one shilling per hogshead on all tobacco exported. This agreement ran on until the death of Charles, Lord Baltimore, in 1715. Because of the increase in the value of quit-rents and an enlargement in the size of the tobacco hogshead the duty was then raised to eighteen pence sterling per hogshead. This continued until 1717 when, at the suggestion of Governor Hart, Lord Guilford, who was guardian of the young Lord Baltimore, intimated that a duty of two shillings sterling on every hogshead of tobacco exported would be accepted as a full discharge of all quit-rents and alienation fines. This offer was accepted by the Lower House, and a bill embodying the agreement was quickly passed.[19]

Although on the face of it this agreement seems a great sacrifice by the proprietor (and it was always spoken of by the proprietary officials as such), yet the enormous difficulty, expense, and loss in the collection of a few pounds of tobacco each from several thousand people scattered over the whole colony account for the willingness of the proprietor to exchange his claims for a fixed duty, with the collection of which he had nothing to do. We have no figures showing the total amount of quit-rents due at this time, nor the amounts collected either immediately before or immediately after the agreement; but it is certain that no proprietor had ever before received so great an annual income as was received after the passing of the act.[20] The proprietor, consequently, seemed very willing to renew the bargain on each of its earlier expirations.[21] About 1725, however, persons represented to him that the rents due

[19] B. W. Bond, jr., "The Quit Rent in Maryland," in Maryland Historical Magazine, December, 1910, p. 351.

[20] Address of Governor Hart (Upper House Journal, 1720).

[21] Like many colonial laws, it ran for only a limited period. It was renewed in 1720, 1721, 1723, 1726, 1729, and 1730.

amounted to above £6000, while the net receipts from the duty were less than £3000, and he seems to have become a little restive concerning it. Governor Charles Calvert's speech in 1726 bears a trace of this uneasiness in that it reminded the Lower House that Lord Baltimore gave up half his revenue by accepting the agreement, but it also stated that for the good of the people he was willing to renew it.[22] As the time for renewal in 1729 approached, the restiveness increased, and produced a strong letter from Governor Benedict Leonard Calvert, which seems to have convinced the proprietor of the advantages of his bargain.[23]

[22] Governor's address (Upper House Journal, July 14, 1726).

[23] This letter reads in part as follows: "I shall now trouble you with a Word or two, upon the General situation of Affairs in Government, that I may receive your Advices and Instructions in the fullest manner; and I think by taking a View of the relation the people bear to you and you to them, in the points of Interest, I shall best Explain myself to you; You are their Proprietary of the Soil, and as such, the people from time to time owe you and may be Compelled to pay you Rents and fines; you and they have for some years past compounded for their Value another Way. The people, grow Jealous, that you have too good a Bargain; you on the other Side, have been I believe informed that the Amount of Yr. Rent Roll exceeds vastly, the Equivalent you Accept of. I must deal so Candidly, as to give my Opinion, that their seems Error in Computation on Both sides. It is Certain the people Could no ways so Easily, so insensibly pay their Rents as by this method now they are in. The Poor and Orphans, scarce bear any share in the present payments. The Husbandmen, from the Produce in Stock and Tillage pay nothing, which is a great Incouragement to Husbandry, so necessary and beneficial to a Young Country. In short the traders who purchase Tobacco, bear the greatest share, from the Shoulders of the planter; and yet it is as nothing to such trader; for as Mr. Bennett, a great and knowing trader here Observes, the trader gets as much for his goods as he Can, in Tobacco, having Allways the whip hand of the Planters necessitys for Cloath and Tools; and when people are aiming at getting such Advances on their goods as from 100 to 200 p^r^. Cent, the Value of 2^s^. p^r^. Hogshead Duty is scarce Calculated or even thought of. Thus in General is the Composition easy and almost Insensible to the people.

"To you I think it of a like Nature, since first the payments are regular and good, with the least trouble so much money can be Collected with. I Do not believe your Rent Roll, can amount to above 6000 p^r^. Ann. which could it be Collected, great Defalcations must be allowed for Charges and Losses in the Collection. It would be allmost impracticable to get Bills of Exchange for a regular remittance of the produce; if they could be got, it Could not be under less than 8 or 10 p^r^. Cent premium.

"The Philadelphians frequently are obliged to give near that

From this time to the expiration of the act the proprietor was always ready to renew it.

Although the proprietor gained by the bargain, the people probably did not lose. In the first place, the duty was laid so indirectly[24] that it was scarcely felt, while the old method of payment required an actual outlay and inconvenience on the part of the planter. In amount, moreover, the planters probably paid less than they had done before,[25] and certainly less than they would have paid had the rents been collected in sterling according to the grants, or in tobacco at its market price. It was estimated that in 1724 the total of rent due was about £5225 12s., while the average duty for seven years netted only £2855 12s.[26] We find, however, that from the very beginning the people were somewhat dissatisfied, and feared that the proprietor had the best of the bargain.[27] The main objection on the part of the people at the early period of the arrangement might justly have arisen from its inequalities. The local merchants and others who shipped large amounts of tobacco without possessing the land from which it was raised might very well have complained that the duty was negligible on the small quantities in which they often received their tobacco, so that it was impossible to shift the burden to the shoulders of

---

premium for Bills; and the greater the Demand for Bills would grow, the Higher Premium would be Exacted. But alass, they Cannot be Collected, there is not money enough here to be got to make regular payments from time to time, So that your officers must take Corn, Wheat, Beef, Pork, Tobacco or some Commodity of the Country, the Conversion whereof into money, and from money into Bills, must be a Vexatious, Expensive, and allmost an Endless an Insuperable task. I shall say no more at present, but pray for the Continuance of the Agreement" (Calvert Papers, No. 2, pp. 72, 73).

[24] It was paid by the merchant to the collectors and deducted from the planter's tobacco returns.

[25] Governor Calvert lays stress on this in his argument for renewal.

[26] Acts of Assembly, 1730; Bond, p. 357.

[27] Governor Hart says that no proprietor ever received a greater income "nor were ever the Tenants better pleased or more easy in their Possessions" (Upper House Journal, Speech, 1720). We must allow for Hart's vanity, as he was very proud of having brought about this arrangement.

the actual land-owner from whom the rents were due.[28] A second objection might have come from the planters who tilled all their land. These were called upon by the act to help pay quit-rents on the large tracts of forest which their wealthier neighbors held for speculation.

How much these classes really complained it is impossible to say. The complaints which come to light are of a different nature. Governor Hart, when recommending the renewal of the act in 1720, spoke of "the designing Insinuations of Its Self Interested accusers who on pretence of Friendship would impose on his Lordship to his own & the Country's damage."[29] If we can draw any conclusion from these words, it must be that already there were persons in the colony who thought the proprietor had the best of the bargain and who "would impose on his Lordship" by reducing the duty. The same sentiment is shown by a complaint of the Lower House later in this session that the proprietor had a better opportunity than the people to judge of the bargain.[30] When the renewal bill was drawn, some vital change was made which so altered the nature of the old act that the Upper House insisted on its being limited to a single year,[31] in order, probably, to give the proprietor an opportunity to reject it if he wished.

---

[28] In Sotweed Redivivus (Maryland Historical Society, Fund Publication No. 36, p. 46), written in 1730, occurs the following passage (the italics are mine):—

> "A Tax equivalent has laid
> Upon Tobacco, must be paid,
> By Merchants, that the same Export,
> In Bills, before it quits the Port.
> *But what is worst for Patent Lands,*
> *By others held, it Debtor, stands.*
>
> I must confess, 'tis just and true,
> That Caesar should be paid his Due:
> But one Man to monopolize
> *More Land, than yet he occupies,*
> *And Foreigners the Quit-Rents pay,*
> *In Sterling Coin, is not fair Play:*
> A Grievance ought to be suppress'd,
> By Ways and Means, Caesar knows best."

[29] Address of Governor Hart (Upper House Journal, 1720).

[30] Lower House Journal, April 8, 1720.

[31] Ibid., April 20, 1720; Archives, vol. ix, pp. 542–43.

With this unpropitious beginning, the commutation act entered on a career of ever decreasing popularity. Governor Calvert speaks of the increasing jealousy of the people.[32] The act, however, passed safely through the renewal periods of 1721, 1723, and 1726. Between 1728 and 1730 repeated efforts were made to pass a bill reducing the number of tobacco plants that might be attended by a single taxable. Since this would naturally decrease the amount of tobacco shipped and thus affect the proprietor's equivalent for quit-rents, the Upper House always insisted on a recompense for the loss. In dealing with this recompense the Lower House showed considerable indifference toward the whole commutation arrangement. In 1728 it was argued that recompense was just, but that the proper time to deal with it was the next year, when the act should come up for renewal.[33] The next year, however, the compensation was refused, and in a message the Lower House said indifferently that the proprietor could do as he pleased concerning the bargain.[34] As the tobacco bill failed to pass, the quit-rent renewal stood unmolested. The whole matter was fought over again in 1730 when, after much debate and several efforts to appropriate funds which were used by the proprietor for other purposes, the Lower House finally agreed to make up any deficiency so that the total revenue received by the proprietor should amount to at least £2855 12s. sterling, which had been its average during the past seven years.[35]

Before the return of the time for renewal, the Lower House adopted the rule of recording its votes by yeas and nays, which permits us to analyze more closely the feelings of the province toward quit-rents. When the commutation act came up for renewal in 1732, it was passed by a vote of 26 to 20. Of the affirmative votes, 21 were from the Eastern Shore and 5 from the Western; of the negative votes 3 were from the Eastern Shore and 17 from the

[32] See above, p. 35, n. 23.
[33] Lower House Journal, October 23, 1728.
[34] Ibid., July 30, August 2, 1729.
[35] Laws of 1730.

Western.[36] The next year (for the renewal had been limited to a single year) the act was defeated by a vote of 21 to 26, 16 Eastern Shore and 5 Western Shore delegates voting for it, and 6 Eastern Shore and 20 Western Shore delegates voting against it.[37] This decided sectionalism can be easily accounted for by the different products of the two shores. It will be shown later that the Eastern Shore was beginning by this time to abandon the cultivation of tobacco for that of grain, so it is not surprising that Western Shore tobacco producers objected to having their crop taxed to pay the quit-rents of the Eastern Shore grain growers. How long this antagonism had been the root of the dissatisfaction with the quit-rent commutation it is impossible to say. There are reasons for believing that throughout most of the Eastern Shore the cultivation of tobacco did not begin to decline until some time between 1720 and 1730. If such is the case, this could not have caused the uneasiness with the quit-rent bargain which appears as early as 1720. But at all events these votes and similar ones in subsequent years[38] make it almost certain that the divergent interests of the producers of grain and tobacco had more to do with the later difficulties and final defeat of the commutation than had the suspicions that the proprietor had the best of the bargain.[39]

---

[36] Lower House Journal, July 25, 1732.

[37] Ibid., April 3, 1733.

[38] The crux of the question came to a vote in 1735 when "The Question was put whether in an application to be made to the Lord Baltimore about farming the Rents it shall be proposed to charge Tobacco with any further duty for that purpose or not. Resolved in the Negative," 21 to 23. All the negative votes were from the Western Shore, and all but one of the affirmative votes from the Eastern Shore. The one Western Shore affirmative vote was by Richard Francis, a delegate from Annapolis, who had a brother in the Eastern Shore delegation (Lower House Journal, April 15, 1735).

[39] Strangely enough, N. D. Mereness fails to catch this point. He calls attention to the fact that the four western counties and Annapolis furnished 17 out of the 26 votes that defeated renewals in 1733; but he then suggests that these counties were those least adapted to tobacco culture, and concludes that it was a matter of frontier opposition to the proprietary (Maryland as a Proprietary Province, p. 82).

When the revenue bill was seen to be defeated, the proprietor proceeded at once to reorganize the system of collection, which had fallen to pieces during sixteen years of disuse. The governor was instructed either to farm out the rents for a sum of from twenty to twenty-five per cent. less than the total of the rent-rolls, or to appoint in each county, if he thought best, a receiver who should collect the rents on a commission of ten per cent. of the amount collected. In either case such security as met the approval of the agent and the attorney-general should be required. Over these farmers and receivers was placed one general rent-roll keeper for each shore, who was to receive five per cent. of the total rent-rolls of those counties of his shore which were farmed out, and five per cent. of the amount collected in those counties which were collected directly.[40] The duty of the general rent-roll keepers seems to have been to make up each year rent-rolls for the several counties of their shores and transmit them to the farmers and receivers. As this required that they keep track of all changes in the ownership of land and all new grants, resurveys, and the like, the judges of the land-office were specifically instructed to send them each year a list of all such transactions. Moreover, since alienation fines were to be collected by the same organization, the county clerks were required to furnish the rent-roll keepers with a list of all alienations.[41] All these officers—general rent-roll keepers, farmers, and receivers—were to be under the general supervision and control of the governor and the agent. Under this scheme St. Mary's, Charles, and Prince George's counties were soon taken to farm by one company, and Baltimore and Anne Arundel counties by another,[42] but beyond this it is not known which counties were farmed out and which were collected.

[40] Archives, vol. xxviii, pp. 67, 68. This is the interpretation which Ogle put upon the instructions, but they read as if the proprietor had intended that one system of collection or the other should extend over the entire province.

[41] Instructions to Jennings, in Land Office, Warrants, Liber EE, pp. 306–9; Kilty, pp. 232–34.

[42] Calvert Papers, No. 2, p. 89.

According to the provisions of the grants, quit-rents were payable only in sterling money. It was sixty-two years, however, since this had been legally enforcible, and in actual practice it had never been strictly carried out. In 1733 all laws on the subject expired; and since there was more money in the province at that time than there had been before 1671, the proprietor determined to demand payments in specie. This requirement, when the system settled down into working order, proved to be the undoing of the people. Though there was more specie in the province than ever before, there was not yet enough to make it easy to collect between £4000 and £5000 each year. Persons accustomed to have all their dealings in tobacco and barter found it difficult to procure even the few shillings a year necessary for the payment of their rents, and those in possession of foreign gold and sterling money took occasion to demand excessive exchange from persons in need of it.[43] Benedict Calvert did not much exaggerate the difficulty when he wrote that not enough money could be found in the province to pay the rents, and that the collectors would be obliged to accept grain, tobacco, pork, and other country produce.[44]

The difficulty in procuring money formed the basis of nearly all the complaints raised by the Lower House against the collection of quit-rents. In 1735 both houses of the legislature agreed that the inhabitants were under great difficulties in the payment of their quit-rents,[45] and an address to the governor prepared in that year says that the discontinuance of the commutation act was "attended with greater Difficulties and Inconveniences than could have been foreseen; Which Difficulties Must Encrease in proportion to the Scarcity of Gold or Silver in the Country."[46] An address

[43] See the complaint of one Hooper of Dorchester County, who in 1753 "was obliged to take up Sterling Money, at the high Exchange of one Hundred *per cent*" (Lower House Journal, October 9, 1753).

[44] See above, p. 34, n. 23.

[45] Upper House Journal, April 15, 16, 1735.

[46] Lower House Journal, April 19, 1735.

to the proprietor repeated this idea.[47] Throughout the period during which this question was under discussion no objections seem ever to have been raised to the amount of the rent, but only to the scarcity of specie and the methods sometimes used in collection.

Not only was there difficulty in procuring coin, but the rates at which it was received were unsatisfactory. In March, 1735, the proprietor gave orders that in all payments to him foreign and cut gold coins, which passed current in Maryland at £4 2s. 6d. per ounce, should not be rated above £3 10s., leaving a margin to cover both the over valuation of gold and the premium on bills to transmit it to England.[48] The demand that the expenses of transmission to England be borne by the people was in no way a part of the bargain and was entirely illegal. Possibly complaints against this exorbitant rate reached England, for later in the year foreign gold was put up to £3 14s. 6d.,[49] and later to £3 16s. 9d.,[50] placing it, as was said, at the rate of exchange which it bore in London.[51] Notwithstanding these advances, in 1737, in the course of an investigation into the collection of quit-rents with special reference to the farmers, the Lower House passed a strong general resolution that the extortion of foreign gold and silver at any rate under the sterling value was illegal and oppressive.[52] Shortly afterwards the agent was instructed to receive gold at £3 17s. 6d. per ounce; silver was also raised from 5s. to 5s. 3d.[53] Probably to help allay further discontent, the governor in his speech at the opening of the next session of the assembly commented on this favorable rate.[54] These terms became fixed by custom,

[47] Upper House Journal, April 23, 1735.
[48] Calvert Papers, MS., No. 278.
[49] Ibid., No. 295½.
[50] Ibid., No. 278.
[51] The exact value of this currency cannot be determined, as it consisted of various foreign coins of different alloys. An ounce of pure gold, however, was worth, then as now, a little over £3 17s. 9d. In 1735 the proprietor wrote that foreign gold was then worth in London £3 17s. 9d.
[52] Lower House Journal, May 17, 1737.
[53] Calvert Papers, MS., No. 295½, p. 29.
[54] Upper House Journal, May 3, 1738.

and remained unchanged throughout the period under discussion.[55]

An aggravation of the difficulty was caused by the methods employed by some of the farmers. In 1737 so many complaints were laid before the committee of grievances of the Lower House that a long investigation was made, by which it was shown that in the two farmed districts—Baltimore and Anne Arundel counties, and St. Mary's, Charles, and Prince George's counties—foreign money, which constituted the main element of the currency of the province, was regularly taken at about two thirds of its value, sterling bills of exchange were discounted at two and one half per cent.[56] to cover possible losses and were required to have iron-clad security, and paper money was accepted only at a two hundred per cent. advance. These rates were forced on the people by distraints, with heavy costs for the slightest objection or delay. On some occasions sterling coin was insisted on, and when it was found impossible to procure this medium, distraint was immediately laid. Moreover, shameful relations were shown to exist between the farmers of the revenue and the sheriffs, by which they divided the sheriffs' fees accumulated by these oppressions.[57] On the report of this committee the farmers were reprimanded by the house, and the governor was asked to prosecute them.[58]

From this time until 1754 complaints against the tax-farmers are numerous. In 1747 the sheriff and the farmer of Charles County were accused of oppression.[59] In 1748 it was brought to the attention of the governor and the council that the farmers and the sheriff of Frederick County had been regularly collecting illegal fees, but they were let off with a mere recommendation to do better.[60] In 1749

[55] Archives, vol. xiv, p. 213.
[56] It must also be remembered that bills of exchange were usually at from five to ten per cent. premium.
[57] Lower House Journal, May 12, 1737.
[58] Ibid., May 19, 1737.
[59] Ibid., June 9, 1747.
[60] Archives, vol. xxviii, pp. 420–24.

the committee of grievances of the Lower House investigated charges of illegal distraints in Baltimore County, and William Young, the farmer, received a reprimand from the house and a bill of costs amounting to £7 2s. Illegal rates for gold were also complained of at this time.[61] Young seems to have been an habitual offender, for in both 1753 and 1754 complaints are heard against him.[62] In 1753 the receivers of rents seem to have been trying to collect arrears of old standing, and Thomas Muir, the receiver in Dorchester County, was accused of overcharging and demanding excessive bond in a suit for rents overdue since 1715. The governor was again asked to prosecute, but it is doubtful whether he ever complied.[63]

Such complaints from the assembly and the province in general brought the agent, Edward Lloyd, in 1754 to require all farmers and receivers of quit-rents to advertise, by putting up notices in the most public places, at what rate they would receive foreign coin in lieu of sterling.[64] This scheme, by merely informing the people of their rights, prevented any possibility of fraud in the rates. It would have been impossible to publish any rate above that set by the proprietor's instructions, and few were so ignorant as to permit themselves to be imposed upon by any departure from the published rates. It is probable that the practice did not continue very long, but one or two years would have been sufficient to set the customary rate; and thereafter, as Sharpe writes,[65] no farmer dared to raise his demands. It is hardly to be supposed that minor oppressions were not practiced by farmers against the weak and ignorant, yet the hardening of custom and the watchfulness of the Lower House held the collection of the quit-rents to such a standard of justice that we hear no further complaints.

---

[61] Lower House Journal, June 13, 16, 23, 24, 1749.
[62] Ibid., November 13, 1753, December 20, 1754.
[63] Ibid., October session, 1753, passim.
[64] Calvert Papers, No. 2, p. 184.
[65] Archives, vol. xiv, p. 213.

When the people found themselves suddenly plunged into such heavy and unexpected difficulties as succeeded the discontinuance of the commutation act in 1733, it was natural for them to seek at once to strike a new bargain with the proprietor. The spring session of 1735 was the first meeting of the legislature after the collection of quit-rents had come into practice, and the delegates seem to have been almost unanimously[66] in favor of a renewal of some form of commutation. But in spite of their unanimity, the old differences between grain and tobacco producers soon reappeared. By a strict party vote it was decided not to impose any further burden on tobacco.[67] After much debate a very humble, almost fawning, address was adopted and sent to the lord proprietor. In it the Lower House admitted the great condescension of the proprietor in accepting the first agreement, acknowledged their mistake in refusing to renew it, complained of the miserable condition to which they were reduced, and humbly besought him to inform the governor whether he would accept for his quit-rents a lump sum to be raised in the easiest manner possible.[68] This is probably the most abject communication that ever passed between the Lower House and a proprietor, and for many years neither the Upper House, the governor, nor the proprietor ever let slip an opportunity to remind the Lower House of the position taken on this occasion.

The proprietor's reply, received the next year, stated that he was willing to accept any just equivalent, but failed to state what equivalent would be considered just.[69] Before this answer reached the assembly, another address had already been drafted asking that his lordship accept paper currency in payment of his quit-rents;[70] but this address

[66] Without a division it was agreed to submit to the proprietor a proposition to farm the quit-rents (Lower House Journal, April 15, 1735).
[67] Lower House Journal, April 15, 1735; see above, p. 39, n. 38.
[68] Ibid., April 23, 1735.
[69] Ibid., April 20, 1736.
[70] Ibid., April 8, 1736. A paper currency had been issued in 1733.

was laid aside after the receipt of the proprietor's answer. Now by a series of partisan divisions the Eastern Shore delegation, with a few delegates from the Western Shore, carried the following resolutions, first, that an equivalent be offered, and second, that it should be a duty on tobacco of more than two shillings sterling per hogshead. But the Western Shore vote, with four delegates from the Eastern Shore, succeeded in carrying a resolution that this duty be less than three shillings per hogshead, and a strict shore-against-shore[71] vote established it at two shillings sixpence.[72] With the amount of the duty on tobacco thus determined, the difficult point was past; and the house quickly proceeded to bring forth a scheme which deserves some attention.

The lump sum to be offered the proprietor was fixed, in spite of the warning from the Upper House that it was too small, at £4000 sterling. This was to be raised by an export duty of two shillings sixpence on tobacco, to which were to be added the proceeds of the tobacco duty of one and one half pence already applied to the use of schools, a duty of five per cent. ad valorem on the importation of slaves, and a duty of one penny per gallon on imported liquors. Payment of these duties was to be in sterling money, but each tobacco trader and importer was to receive back in paper money at fifty per cent. advance the full amount of the duties paid in. Thus, in reality, the colony was merely to exchange with the importers paper money for sterling. Planters who shipped their tobacco direct were also to receive back in paper the full amount of the duty, as were importers of slaves and liquors. The quit-rents were then to be collected by the colony in paper money at fifty per cent. advance. This quit-rent money and the proceeds of

[71] The vote of one delegate, Richard Francis, who represented Annapolis, must be excepted in most of these divisions; but it must be remembered that he had a brother in the Eastern Shore delegation and he himself probably belonged more to the Eastern than to the Western Shore.

[72] Lower House Journal, April 29, 1736.

the duty of twenty shillings sterling[73] on negroes, which was also payable in paper, were to be applied to refunding to the paper money office the bills drawn out to pay back the duties to the traders and shippers, all surplus being considered as public money.[74] Though such a complicated scheme could never have worked satisfactorily, it is still worth while to see what the Lower House hoped to accomplish thereby. These purposes were three: first, to relieve landowners of the difficulties which they were experiencing in procuring coin to pay their rents; second, to tap a source of sterling money from which to discharge the proprietary claims; and third, to leave the real incidence of the tax on the landowners, who justly owed it. In short, it was a scheme to collect the quit-rents in paper, in which they could easily be paid, and to exchange this paper with the traders for sterling, a money which the latter could easily procure. This ingenious scheme of finance never reached the test of practice, for the proprietor replied that he did not think his tenants could be thoroughly informed as to the value and increase of his rents, and he absolutely refused to sell them for £4000. He still, however, held out the hope that he would accept a just equivalent if one should be offered.[75]

The chief business transacted in relation to quit-rents during the next session of the legislature was the investigation into the complaints against exactions by the farmers, to which reference has already been made. Although the governor in 1739 strongly recommended that some effort be made to arrange for the payment of the rents in paper money,[76] nothing further was done until 1742, when the Lower House decided by a loose party vote to renew nego-

[73] The word "sterling" used in such an expression as this does not mean that the duty was payable in sterling coin. There were several standards of value used in the colony—the shilling sterling, the shilling currency, etc.—and this merely fixes the standard of value.

[74] Lower House Journal, May 6, 1736.

[75] Ibid., April 26, 1737.

[76] Ibid., May 1, 1739.

tiations with the proprietor.[77] This time a more systematic method of procedure was inaugurated by applying to the governor for an account of the rents as collected, so that the house might the more intelligently consider an equivalent.[78] Though this request was ignored by the governor, the Lower House proceeded to petition the proprietor to accept an equivalent for his quit-rents in such manner and form as might best suit.[79]

No reply to this address reached the assembly until the May session, 1744; and then the proprietor did not invest the governor with power to conclude a bargain, but merely to transmit any offer the assembly might make. Again the assembly addressed the proprietor, offering him the proceeds from a duty of two shillings sixpence sterling per hogshead on tobacco, but not guaranteeing any minimum amount.[80] This duty on a normal exportation—about thirty thousand hogsheads—would have produced much less than the quit-rents were then paying, and at that time the European wars were reducing the chances of successful exportation. On the advice of his officers,[81] therefore, the proprietor rejected the proposal, but he empowered the governor to conclude such a bargain as he should deem just. At the opening of the next session, in August, 1745, the prospects for a new arrangement in regard to the quit-rent seemed more favorable than they had been for many years. Again the house asked for an exact account of the rents as collected and a statement of what would be considered a just equivalent. Governor Bladen replied that the total amount of the rents that year was £5369 11s. 3d., of which £4568 15s. 4d. had actually reached the proprietor, and that improved methods of collection then being introduced were expected to raise the proprietor's receipts to £5101 2s. 2d. Moreover, the increase had been very great during the last

[77] Lower House Journal, October 15, 1742.
[78] Ibid., October 21, 1742.
[79] Ibid., October 27, 28, 1742.
[80] Ibid., May 2, 18, 26, 29, 1744.
[81] Calvert Papers, No. 2, p. 104.

five years, and many warrants and certificates were then awaiting patent, which would still further augment the rents. In view of these facts the Lower House was informed that nothing less than £5000 would be considered a proper equivalent.[82]

The receipt of this message started one of the most heated discussions ever carried on in the Lower House of the Maryland colonial assembly. From 1707 to 1742 there had been an equal number of counties on each shore, but the erection of Worcester County in 1742 and the exclusion of Frederick County until 1748 gave the Eastern Shore a nominal majority of two votes, which by the frequent division of the Annapolis vote made, when all were present, a working majority of four. With this majority the Eastern Shore delegates proceeded to rush through the house a bill offering the required £5000.[83] By the defection of three Talbot men and the deciding vote of the speaker they lost the plan to tax nothing but tobacco; yet a committee of three from each shore failed to agree to a tax on grain, and with the aid of two votes from St. Mary's and two from Baltimore the Eastern shore delegates defeated the grain tax. Another committee dropped all export duties except those on tobacco and lumber. There was also a contest of old standing being waged between the Patriot party and the proprietor over the support of the militia. The Patriots maintained that certain revenue which was being turned to the proprietor's personal use should properly be devoted to the defence of the province, and they consequently refused to make any further appropriation for the support of the militia. The war going on at this time made the matter acute, and Governor Bladen intimated that he would make

[82] Lower House Journal, August 28, September 9, 10, 1745.

[83] The votes were shore against shore with the following exceptions: Three Talbot County delegates often voted with the Western Shore; the two Annapolis votes were usually split; occasionally two delegates from St. Mary's and more rarely one from Baltimore and one from Charles are found voting with the Eastern Shore. Shore feeling must have run high during this period, for on many other questions the division is almost as sharply drawn as on the quit-rents.

the acceptance of a quit-rent offer conditional upon the passage of a satisfactory militia bill. This condition seems not to have been distinctly understood by the delegates until after the passage of the quit-rent bill. When it did become understood, the advocates of the quit-rent measure made a desperate effort to revive the question, although the militia bill had already been rejected. Even the desire for a quit-rent commutation, however, was not sufficient to overcome the hatred of proprietary oppression, and the defection of eleven Eastern Shore delegates rendered the attempt hopeless. As the militia bill had failed, Governor Bladen, true to his threat, refused to accept the quit-rent proposal, thus bringing to naught the most promising effort to reach a new agreement since the rejection of the old one in 1733.[84]

Though the supporters of a quit-rent agreement were exceptionally persistent during 1745, yet, strangely enough, the question was never again raised in the assembly. For this omission there were several cooperating causes, the most important of which was the peculiar political turn given to the question by Governor Bladen. It was clearly evident that a renewal of the proposition would lead to the same condition concerning the militia bill, and that both would meet the same fate as before. The second cause was that increasing economic sectionalism made a large tobacco tax hopelessly unjust and unworkable, while a corresponding export duty on grain would have handicapped a trade in which every one rejoiced. The increase in the supply of gold and silver which began to make itself felt about this time also helped to make the payment of quit-rents easier, thereby lessening the demand for commutation. Finally, as the system of collection came to run more smoothly, opportunities for injustice were eliminated and the people became more accustomed to paying their rents. The problem of procuring sterling for rents, however, did not vanish. As late as 1763 the Lower House refused to change the tobacco inspection charges to a sterling basis because, as they said, the

[84] Lower House Journal, 1745, passim.

people already experienced great difficulty in procuring enough sterling to pay their rents.[85] But in general after about 1745 the difficulty in the payment of quit-rents was not sufficiently acute to cause any widespread opposition.

After 1745, aside from the elimination of frauds against the people, the history of quit-rents is merely an account of the gradual working out of cheaper and more effectual methods of collection. When collection was resumed in 1733, as we have seen, the whole system had to be organized anew, and the cost of collection under the new system was either fifteen per cent. of the amount collected or a reduction of twenty per cent. to twenty-five per cent. from the total amount shown by the rent-rolls. Furthermore, the rent-rolls had not been kept during the period of the commutation, and they were so incomplete that vast quantities of land did not appear on them; it is probable, therefore, that the losses from omission were greater than the cost of collecting the remainder.

As the periods for the renewal of tax-farming contracts recurred, the agent was urged to improve the terms if possible;[86] but it seems that for many years no improvement was feasible. About 1745 there seems to have been a scheme on foot to have the sheriffs collect the rents at five per cent. commission; at least this proposition was made by the governor to the Lower House, but political reasons for the statement are very evident.[87] Aside from these two notices of doubtful significance there is nothing to show that any effort was made to improve the system of collection during the lifetime of Charles Lord Baltimore.

On the accession of Frederick, however, conditions changed. Frederick himself was a spendthrift, always demanding more and more revenue; and his uncle Cecilius Cal-

[85] Lower House Journal, October 25, 1763. In some cases leases were so drawn that enough of the rent to discharge the quit-rent was payable in sterling and the remainder in currency (Baltimore County, Court Records, 1755, Liber BB No. B, p. 242; Cecil County, Land Records, Liber FL No. 13, p. 184).

[86] Calvert Papers, MS., No. 278.

[87] Lower House Journal, September 10, 1745.

vert, whom he appointed his secretary, was a man whose chief pleasure was to dabble in politics in Maryland and to increase the proprietary revenue. Calvert worked out a scheme for compelling the sheriffs, as part of their duties, to collect the quit-rents for a ten per cent. commission; but the expiration of the farmers' contracts in 1753 came too quickly for Governor Sharpe to get the plan into operation, and it became necessary to renew these contracts for two years more. Sharpe succeeded in getting a better bargain with the farmers, however, by which they agreed to increase the returns from eighty to eighty-five per cent. of the total rent due.[88] When these contracts expired in 1755, Calvert's scheme was put in practice. The sheriff in each county was also commissioned tax-farmer and was required to give bond for a sum equal to ninety per cent. of the total rent due from his county, as it appeared by the rent-roll delivered to him. The only reductions to be allowed were for mistakes in the preparation of this rent-roll and, probably, for certain large tracts of uncultivated land held by persons not in the colony.[89]

This method of collection lasted for about twelve years, but was never very satisfactory. The avarice of the proprietor led him to begrudge the ten per cent. for collection, and he tried to have it reduced to six per cent. The sheriffs, on the other hand, found the work unprofitable even at ten per cent., and it was only because of the large income from other duties of the office that men could be found to take it. On one occasion, indeed, no one in Frederick County was willing to accept the sheriff's commission, and it had to go to a man from Prince George's. In few counties did ten per cent. of the total rent due amount to more than £50, and much land was held by persons in other counties,[90] so that the cost of collection was more than the rent amounted to;

[88] Archives, vol. vi, pp. 8, 13, 30, 54, 129.

[89] Ibid., vol. vi, p. 295; Provincial Court Record, Liber BT No. 5, p. 590.

[90] By a report to the Lower House on April 28, 1757, it appears that nearly eighteen per cent. of the land of Frederick County was held by persons living elsewhere.

all this was lost by the sheriff.[91] As the sheriffs looked upon the quit-rent farm as a burden upon their offices, it is not surprising that their payments were not so prompt as those of the private farmers who devoted their whole attention to the collection of the rents. It was because of this delinquency (due somewhat to the inactivity of the proprietor's agent, perhaps) that the collection of quit-rents was taken from the sheriffs about 1767 and restored to private farmers.[92]

The incompleteness of rent-rolls could have been remedied by more careful attention on the part of the officials, and some improvement was effected. Between 1740 and 1745 many persons who had occupied land after the survey and had never taken out final papers were forced to complete the patent and thus subject themselves to the quit-rent. With the exception of these cases, the compilation of complete rolls was a matter of searching through the land records from the patent to the last transfers to determine the acreage, the rent, and the owner. This was no small task, especially when the rent-roll keepers looked upon their office almost as a sinecure, and did no more in the execution of their duties than was absolutely unavoidable. Governor Sharpe was repeatedly urged to have the rolls better prepared, and he even made up the roll for one county himself, possibly in order to learn how difficult the work really was. By means of constant urging and with specific instructions and forms sent from England, the rent-rolls were gradually worked into better condition; but even as late as 1760 their condition was such that Sharpe could write, "Much Waste has been & now is of Quit Rent not in Possession of the Proprietor . . . the present Condition and Management of the Office is a Reproach of Misdemeanor in publick Employment."[93]

---

[91] Archives, vol. ix, p. 428; vol. xiv, pp. 213–14.
[92] Ibid., vol. xiv, p. 375.
[93] Ibid., vol. ix, p. 404. The extreme inefficiency of Edward Lloyd in the office of agent, or receiver general, was responsible for much of this disorder.

It is now in order to establish as far as possible the economic effects of the quit-rent. Such matters are not easy to decide even concerning times like the present, when all possible data are at hand. To reach very definite conclusions about Maryland in the eighteenth century is extremely difficult, but some few points may be shown to be very probable.

The first step in respect to the quit-rent is to determine its proportion to the value of land. A four shilling quit-rent on one hundred acres of land worth over a thousand pounds and paying rent in proportion would not be a very heavy tax; but if the land was worth only a few pounds and paid only ten or twelve shillings rent, it would be an intolerable burden. Neither of these extremes is the true state of the case. Land showed a steady increase in value throughout the colonial period. In 1720 it was worth about 4 or 5 shillings per acre. At this rate the quit-rent was from .8 to 1 per cent. of the value. As the amount of patented land increased, the proportion of the quit-rent fell until in 1765 it was, perhaps, not above .2 per cent. These figures, however, are for the average value of land, including improved and unimproved. Allowing for the value of improvements, the proportion of the quit-rent will amount, perhaps, to 1 or 2 per cent. in 1720 and from .5 to 1 per cent. in 1765. The quit-rent must also be estimated in proportion to the rental value of land. In 1740 land rents in the more thickly settled counties were, perhaps, from £3 to £5 per hundred acres. The quit-rent of 4 shillings is between 4 and 7 per cent. of this rent. Allowing again for the value of improvements, which was not far from half the value of the land, the quit-rent will amount to from 7 to 12 per cent. of the rental value of land.

These rates represent about the same proportion of rental value as does a modern tax rate of one dollar on the hundred; but it must be remembered that in colonial Maryland the regular tax in support of government was a poll-tax, and that the quit-rent was an additional charge not expended

for governmental purposes. In comparing the quit-rent with a modern property tax it must also be kept in mind that a general property tax is proportioned to the value of the property, but that the quit-rent fell with equal weight on the highly valuable land of Anne Arundel and Talbot counties and the almost worthless land of Dorchester and Frederick. In those frontier counties to which new settlers were most apt to come the quit-rent amounted to two or even three per cent. of the value of the land. Moreover, heavy as the quit-rent was in 1720, it had been still heavier in the preceding years. Except along the frontier, where land could not assume a value much above the price demanded by the proprietor for patent land, the proportionate severity of the quit-rent constantly diminished with the lapse of time and the increase of values. By the time a piece of land had come to be worth fifteen or twenty shillings per acre, therefore, the quit-rent had spent its force, and had already accomplished its full results for good or evil.

Thoughtful men at the time, though as unable to make specific statements regarding the injuries done by this tax as are we today, were vaguely conscious that the quit-rent was a burden on general prosperity. The higher prices both from sale and rent brought by land in Pennsylvania was a burning question in the minds of many Marylanders. The clergy tax,[94] fees collected by land officers, negro labor, population, healthfulness, market facilities, caution fees, and quit-rents were all thought to be factors in the condition;[95] but no one seems to have appreciated the value of the labor of hard-working German farmers as contrasted with the more easy-going Marylanders. On one thing, however, all were agreed: the land charges—purchase price and quit-rents—in Maryland could not be increased. We have seen how Sharpe and Lloyd opposed an increase in quit-rents in

[94] A tax of forty, then thirty pounds of tobacco per taxable laid for the support of the clergy. In 1764 Dulany wrote of the ill effects of this tax (Calvert Papers, No. 2, p. 240).

[95] Calvert Papers, MS., No. 1161; Calvert Papers, No. 2, p. 241; Archives, vol. vi, p. 37.

1754, and how in 1764 Dulany wrote that an advance in the purchase price without a corresponding reduction of the officers' fees "wou'd effectually put a stop to the Business of the Land-office." A few years later Hugh Hamersley, when asked about the possibility of making the settlement of the Pennsylvania line an excuse for advancing the quit-rents to ten shillings per hundred acres, replied in a similar strain that he thought such a step would put a stop to all applications to the land office.[96] These expressions, though coming mostly from men personally interested in the fees of the land office, nevertheless have a ring of genuineness which shows that in the opinions of those who held them the quit-rents were at the highest point the land would bear.

The fears of these men were fully borne out by the results of the one experiment with a ten shilling quit-rent. It will be recalled that the quit-rent was fixed at four shillings per hundred acres in 1671, and the purchase price at forty shillings per hundred acres in 1717. The quit-rent was raised in 1733 to ten shillings per hundred acres, but in 1738 was put back to four shillings and the purchase price advanced from forty shillings to one hundred shillings. The effects of these changes on the business of the land-office were startling. During the five years preceding the advance of the rent to ten shillings, warrants were taken out for an average of 28,535 acres per year. During the six months following the advance there were warranted only 692 acres. In the next five years, during which the quit-rent remained ten shillings, the total acreages warranted were as follows: 1734, 2205½; 1735, 2357; 1736, 2368; 1737, 4255; 1738, 3991. In the next five years, although the purchase price was £5 per hundred acres instead of £2, the quit-rent was again four shillings per hundred acres, and the average acreage warranted was 16,439.[97] Thus the average amount of land war-

[96] Archives, vol. xiv, p. 377.

[97] All these figures on land warrants are liable to serious errors. The object held in mind in compiling them has been to exclude all warrants that would bear conditions other than those prevailing at the time of their issue; also, renewals of warrants should obviously be excluded to prevent duplication. Undoubtedly some warrants

ranted per year under the ten shilling rate was about ten per cent. of the amount warranted during the last year under the four shilling rate, and about seventeen per cent. of the average warranted during the first five years under the reduced quit-rent and the advanced purchase price.

In the light of the foregoing figures and expressions of opinion it can scarcely be doubted that the quit-rent constituted a serious burden on the land of colonial Maryland and materially retarded the progress of the province. To the prospective settler seeking a home the colony could not offer as attractive inducements with such a burden as without, hence it is probable that many settlers turned off into other colonies who might otherwise have stopped in Maryland. In the advance of the Germans into the great Appalachian valleys Maryland was at first avoided. Many families moved from Pennsylvania across into Virginia apparently without thought of settling on the rich lands along the Monocacy through which they journeyed. This retardation of settlement was in all likelihood due to the burdens[98] resting on land in Maryland and the attractive offers of land

bearing special rates have crept in undetected; but since taken all together such warrants are few, errors from this source are negligible. However, warrants of resurvey to include vacancy do not show the amount of vacancy until they reach the certificate stage, and vacant land taken up by this means is, therefore, entirely omitted. This omission runs through all three stages, and, consequently, will have little effect on the comparisons drawn. Another source of error, however, does affect the comparison, but entirely in favor of the argument here, that is, the number of warrants taken out during the high rent period which were never executed. Some were simply allowed to lapse; and many more, after the reduction of the rent, were surrendered and cancelled, and new warrants taken out on the payment of the increased caution fee. If such warrants could be deducted, the acreage shown here for the high rent period would be still further reduced.

[98] We must not understand the quit rent to be the only one of these burdens, but also include the entire amount of taxation. The regular taxes—poll assessments—were perhaps about the same in all three of these colonies. There were, however, certain special taxes. The quit-rent was higher in Pennsylvania than in Maryland and more than twice as high in Maryland as in Virginia. The fees due officials of the land office on every grant of land were higher in Maryland than in the others. There was a clergy tax in Virginia the same as in Maryland, but none in Pennsylvania. Thus, the entire burden in Maryland was greater than in either of the neighboring colonies.

on easy terms in Virginia. Though this is probably the only specific case[99] in which we can say that the hard terms in Maryland turned away prospective inhabitants, yet the great numbers of individuals who must have acted on the same principles, though it is impossible to demonstrate how many of them there were, constituted a decided loss to the province.

More beneficial and more far-reaching, perhaps, was the influence of the quit-rent and other land charges on the size of the holding in Maryland. In the early years of the colony, when the quit-rents were so low as to be almost negligible, enormous tracts were taken up and erected into the manors so prominent at that time. The average grant in Charles County before 1650 was nearly 1200 acres.[100] This average soon fell, however, with the advance of the quit-rents. Between 1650 and 1660 it dropped to about 200 acres, and it never again rose much above that amount.[101] During the five years just preceding the advancement of the quit-rent to ten shillings per hundred acres in 1735 the average size of the tracts warranted throughout the whole province was 158 acres; during the five years of the ten shilling rate this average fell to 74 acres; and during the first five years of the lowered quit-rent and advanced purchase price the average tract warranted rose to 105 acres.[102] The influence of the quit-rent in keeping down the amount of land held by an individual is also shown by the number of disclaimers to land which appear in the rent-rolls. Not

[99] In 1737 the clergy of Maryland complained that the Quakers were persuading people on the border to transfer their allegiance to Pennsylvania because of the clergy tax (forty pounds of tobacco per taxable), which they called an intolerable burden (Acts of Privy Council, Colonial Series, vol. iii, p. 338).

[100] Rent Roll, 1750, in Maryland Historical Society. Resurveys are excluded from these figures as the books do not give the date of the original survey. As they are frequently for large tracts, consideration of them would, perhaps, heighten the contrast here drawn.

[101] The highest average for a decade after 1660 was 304 acres between 1690 and 1700. The land charges were being gradually advanced until 1671, after which they remained fixed until 1717.

[102] Warrant Books in the Land Office.

only did many persons merely disclaim the ownership of lands, but many acknowledged the ownership and deliberately surrendered their claims. Such entries as "This Land lett fall" or "Lett fall and the Patent returned" are very frequent. The Kent County debt book of 1735, for instance, shows eight disclaimers for land in that county amounting to 3409 acres.[103] These surrenders would never have occurred had there not been some expense attached to ownership of land. It is plain, therefore, that the quit-rent and, in a lesser degree, the purchase price were exerting a strong influence toward preventing individuals from monopolizing too much land. With smaller holdings naturally goes a better developed and more thickly settled country, with many planters of moderate means rather than a few of immense wealth.[104] The annual rent forced owners to develop their land and bring at least a part of it under cultivation.[105] This meant fewer woods, more plantations, and more people.

A more specific account of some ways in which the quit-rent attained these results will be given in the discussion of land speculation in the next chapter.

---

[103] This may not be all the Kent disclaimers for that year, as the debt books present no formal list of them but only such as happened to be jotted down. This is, perhaps, an exceptional year for disclaimers since the payment of quit-rents had been resumed but two years before. The debt book is in the land office, and this list is in copy number one. Many other debt books also show disclaimed land.

[104] These seem to be just the points in which Maryland differed from her neighbors. In Virginia, where the quit-rents were lower, the landed estates were larger, population was less dense, and there was a greater number of very wealthy individuals. In Pennsylvania, on the other hand, where quit-rents were higher, landed estates seem to have been smaller, population seems to have been denser, and wealth better distributed. In Pennsylvania, however, there were many complicating factors such as race and agricultural conditions; and in either case, without a comparative study of two or more colonies, generalizations are extremely dangerous.

[105] Note the force of the quit-rent in the following appraiser's estimate: "We do find that the said Land is uncleared and of no use neither to said Dorris nor orphan and his Lordships rent high so that wee allow him to Settle the said land on the Lower End of said tract" (Cecil County, Land Records, 1735, Liber WK No. 2, p. 110).

CHAPTER III

THE MANAGEMENT OF LAND

The management of land is necessarily dependent on the question whether it is increasing or decreasing in value. In colonial Maryland the history of every landed estate is colored by the fact that the property was steadily becoming more and more valuable. In 1721 Hugh Jones commented as follows on the low value of land: "Though now Land sells well there [in Virginia and Maryland], in a few Years it will be more valued, since the Number of Inhabitants encreases so prodigiously; and the *Tracts* being divided every Age . . . into smaller Plantations; they at Length must be reduced to a Necessity of making the most of, and valuing a little, which is now almost set at Nought."[1] As Jones and others saw at the time, the value of land was advancing and had to continue to advance as long as the population continued to increase.

Between 1720 and 1730 land was worth about five shillings per acre. Sale prices according to the various deeds recorded in Annapolis during the years 1724 to 1730 vary between ninepence and £1 sterling per acre.[2] The average of sixty-two deeds was four shillings eightpence. As deeds recorded here are largely of speculative sales and contain an undue proportion of frontier and forest land, we must increase this average in order to get a figure representative of the whole province. About the same number of deeds recorded between 1763 and 1765 range between fourteen pence and £3 and average twelve shillings per acre.[3] The same objection holds with regard to this as to the former average—it is probably too small to represent the

[1] Present State of Virginia, p. 61.
[2] Land Office, Deeds, 1724–1732, PL No. 6.
[3] Ibid., DD No. 3.

value of land throughout the province. The proprietor's first order to sell manor land fixed ten shillings sterling per acre as the minimum price to be accepted for the uncultivated land then offered.[4] There seem, however, to have been no sales under this order. Dulany wrote that manor land in general should bring about the same that would be brought by private land, and he suggested that to prevent jobbing none should be sold for less than £1 sterling per acre.[5] Sharpe in 1768 supposed the unsold part of Conococheague Manor to be worth about the same. He also says, in speaking of the sale of a tract in Anne Arundel County, that "the Bidders went so far as 31^{s}. sterling p^{r} acre."[6] From these figures and statements it may be concluded that in 1765 the normal value of medium land was about £1 sterling per acre, with forest and undesirable lands somewhat lower and with especially desirable lands running as high as £2 or £3 sterling. This is an increase of at least two or three hundred per cent. over the land values about 1725.

At a time when land was so rapidly increasing in value one would expect as a matter of course to find a great deal of speculation. Of speculation, however, in its narrower sense—securing lands at a low rate and selling them at a higher—the quit-rent was almost prohibitive. A transaction of this sort, involving three or four thousand acres, would necessarily extend over a number of years before the land could be disposed of, and during these years the quit-rents must be met or the venture would be a failure. The rent-rolls, therefore, show only a small number of entries bearing the marks of speculation.[7] A few patents appear

[4] Archives, vol. xiv, p. 191.

[5] Calvert Papers, No. 2, p. 243. Dulany seems to have been anxious to have the proprietor sell his manors, and did not understate the price which they would bring. The proprietor accepted this advice as far as to set a minimum price of six shillings per acre on forest land and £1 per acre on cultivated land (Council Record, JR and US, pp. 418, 419).

[6] Archives, vol. xiv, pp. 335, 536.

[7] Wills also occasionally give evidence of speculation. That of Mathew Tilghman Ward in 1741 enumerated among the property of the testator "All those two Tracts of Land or Such Part thereof

which some years later are found parcelled out among several owners, with the original patentee sometimes entirely sold out, sometimes retaining only a small quantity of land, and sometimes still in possession of the greater part. In many of these entries the patentee retained a respectable plantation, which suggests either that the speculation was incidental to the taking up of a homestead, or that the patentee had attempted to carry too great a burden and had been forced to sell off a part. The weight of the quit-rent was sufficient to hold speculation of this character down to a comparatively small amount.[8]

The great mass of land speculation was carried on in other ways, for the more venturesome and businesslike in-

---

as belong to Me called the Union of which there remains unsold and belonging to me between Six or Seven Hundred Acres; and the other Called the three Hicks Containing about One hundred and Sixty Acres" (Land Office, Wills, DD No. 1, p. 363). Nicholas Lowe in 1745 empowered his executrix within ten years after his decease "to give sell and Dispose of all that part of a Tract of Land Called Lowes Ramble [1440 a.] lying in Talbot County afs[d]. which has not been Disposed of by me for the best price that Can be Got" (Land Office, Wills, DD No. 3, p. 253).

[8] The following are typical entries:—

"Cedar Branch Neck; 841 a. Surveyed November 29th 1700 for Mathew Smith beginning att a marked white Oak—Rent p Ann. 1..13.. 4.

[Possessors in 1707] 250 to Thomas Browning, pays rent p Ann. ..10.

100 To Charles Rumsey, pays .. 4..

491 To Thomas Hopkins of Talbot Co. pays ..18.. 4

481 1..13.. 4.

—Cecil County, Rent-Roll, 1707, p. 8.

"Maidens Fair Survd. 2 Oct[r]. 1731 for Rich[d]. Speake near Ready Branch

Poss. [1753] 100....John Cole
50....Richard Speak
300....William Sutherland."—Charles County, Rent-Roll, 1753, p. 113.

"Hudsons desappointment Originally called Quick Dispatch Resurv[d]. for Alexander McDonald 2 January 1741 Beginning at a Stone Standing on a Ridge Patented 24th August 1743.

Poss [1753] 84....Eliz[a]. Hudson
33....Richard Griffith
50....Jos. Ratcliffe
84....George Waples
87....Jos. Woodyard
207....Alex. Macdonald."—Charles County, Rent-Roll, 1753, p. 131.

vestors devised schemes to avoid quit-rents. The most important of these schemes was to deal in land warrants rather than in land itself. The warrant, it will be remembered, was both transferable and divisible; that is, a person holding a warrant for a thousand acres might transfer five hundred acres, after which there would practically exist two warrants for five hundred acres each. In this way a speculator might take out a warrant for ten thousand acres, and with repeated renewals[9] let it rest until it was largely disposed of; or else he might have it surveyed and have a certificate returned, and then allow the land to rest at this stage until it was desirable to patent. The speculator was thus able to control a large tract without any expense for quit-rents, and at the same time was in a position to dispose of it in parcels, for each of which patent might issue as required. The enormous number of assignments and renewals shown on the warrant books is eloquent testimony to the great volume of this trade.

Some variations of this scheme are worth noting. In 1732 the Lower House complained that a few large land dealers were holding warrants without proceeding to survey and, by insisting that their warrants entitled them to locate the land wherever in the county they pleased and that no land could be surveyed in those counties until theirs had been laid out, they were obstructing all land business along large sections of the frontier.[10] Another variation of the plan was made possible by the changes in the conditions of plantation. When the quit-rent was advanced to ten shillings per hundred acres in 1733, those who held unexecuted warrants under the old four shilling rate found them suddenly assuming an augmented value. All sorts of half-forgotten claims to land warrants were brushed up for renewal under the old terms, and speculation in these warrants was rife throughout the province. At first only such claims were brought forward as entitled the possessor to

[9] A warrant expired if not executed or renewed within two years after issue.

[10] Lower House Journal, July 28, 1732.

warrants bearing the old terms of rent, but after the advance of the purchase price in 1739 any claim whatever on which a grant of land might be had became of increased commercial importance.[11]

Several times the proprietor issued instructions apparently intended to stop this speculation. In 1712 Charles Carroll was ordered to permit no more transfers of warrants in parcels. This, if carried out, would probably have put an end to the business, as the partial assignment of warrants was an indispensable part of the scheme; but the order was never obeyed, and the breaking up of warrants, with its attendant speculation, went on undiminished until the end of the colonial period. In 1740 the land officers were instructed to make no grants exceeding one thousand acres, and that only in two patents of five hundred acres each.[12] This instruction may have prevented the patenting of a few large tracts, but its sting was removed in 1753 when its application was restricted to the well-settled counties, where no patentable tracts of this size were to be found.[13] Whatever may have been the proprietor's purpose in these orders, he must have found the opposition of the provincial leaders, who were the principal speculators, too great to be lightly opposed, for even open disobedience of the instructions was overlooked.

Under the head of land speculation may be included not only the taking up or warranting of large tracts for the purpose of selling at a profit, but also the holding of quantities of uncultivated land for the future enrichment of family estates in the course of many years. Among a people coming from England, where the idea of the aristocracy of land was so firmly entrenched, it was natural for social position to continue to be linked with the possession of land; and when these people found it in their power to secure enormous tracts of exceptionally fertile soil, it was

[11] See the land warrant books for the period immediately following these dates for the great number of renewals and questionable petitions.

[12] Land Office, Warrants, LG No. A, p. 355; Calvert Papers, MS., No. 295½.

[13] Kilty, pp. 238, 240, 276.

to be expected that they would seize domains of a magnitude that would be beyond the imagination of their relatives in England. Land—next to gold the most powerful form of wealth they had ever known—was here for the taking, and they did not fail to take it. Men secured vast tracts which they could not possibly develop and, living on a small corner in which they had cleared a plantation, reserved the remainder for benefits to be reaped in the far future. Toward the end of the seventeenth century Edmund Randolph estimated that of the five million acres of patented land in Virginia not more than forty thousand acres, or less than one per cent., had been in the least rescued from its primeval condition.[14] In 1697 Governor Nicholson wrote to the Board of Trade that these large land holders were responsible for the fact that many persons, especially freed servants, left both Virginia and Maryland for other colonies, and he suggested that unless the owners were forced to sell some of this unused land at low rates, it could not be "planted in this age or the next."[15]

One of the objects in retaining such large uncultivated tracts was the natural desire to provide for one's children. In colonial Maryland this desire to accumulate for posterity shows itself as something apart from the desire for per-

[14] P. A. Bruce, Institutional History of Virginia in the Seventeenth Century, vol. ii, p. 576.

[15] This letter is dated March 27, 1697. Nicholson made certain proposals for the settlement of the head of the bay, and added the following proviso: "Provided no one man were allowed to take up above two or three hundred acres at most. Some persons have taken up great quantities of land both in Virginia and Maryland, of whom few or none are able to improve it all, and this is one great reason why young English Colonists and freed servants leave these Colonies and go either Southward or Northward; for they are naturally ambitious to be landlords, not tenants." In a letter of July 13, 1697, he reiterates these ideas: "Most of them [the members of the legislatures] or their friends and relations hold great tracts of land, and they are fearful that, if they own it [that they are driving away settlers] they would be compelled to part with some of it upon easy terms, which if they do not, I do not see how it is to be planted in this age or the next" (Cal. St. P., Amer. and W. I., 1696–1697, pp. 422, 546). Remember also the lines in Sotweed Redivivus, written in 1730:—

"But one Man to monopolize
More Land, than yet he occupies," etc.

sonal riches, because the engrossing of land for the next generation usually meant a direct sacrifice by the present; it meant an outlay for first cost and a continual drain for quit-rents on land which lay idle and produced no returns.[16] Not only were separate tracts left to different children, but also a single tract was very frequently divided between several heirs. In a country where the agricultural unit is fairly well determined, as is the case in Maryland today, it is very rare that a farm is divided among children; but when the size of the unit is fluctuating, or when the devisor holds land which is not being tilled, it is no shock to agricultural custom to parcel out a tract among several heirs. The wills and the rent-rolls[17] show very many cases in which such a division of tracts has taken place.[18] In fact, this process went on to such an extent that it was an important element in reducing the old unwieldy estates into farms which more nearly approached the economic unit of highest efficiency.

The influence of the quit-rent on these forms of land speculation is evident. The less a man must pay each year as expenses on undeveloped land, the greater amount will he take up and hold for an increased value or to transmit to his children. Without a quit-rent, a purchase price, or some form of restriction on the amount of land to be held by a single individual, the development of the country would have been almost impossible, for the soil undoubtedly would have been monopolized by a few speculators, to the exclusion of the ordinary settler. Under the existing conditions, however, only so much land was secured as the patentee felt able to carry; and only a small burden of this sort was

[16] Dulany wrote in 1764: "They who have children to provide for keep their Land with that view. it is a kind of property less slippery, than money is, in the Hands of Young or Improvident People" (Calvert Papers, No. 2, p. 242).

[17] Hugh Jones, writing about 1721, said, "Since the Number of Inhabitants encreases so prodigiously; and the *Tracts* being divided every Age among several Children (not unlike *Gavel Kind* in *Kent* and *Urchinfield*) into smaller Plantations; they at Length must be reduced to a Necessity of making the most of, and valuing a little, which is now almost set at Nought" (p. 61).

[18] The rent-rolls show a great number of tracts held in several equal parcels by persons of the same name as the original patentee.

sufficient to make a vast difference in the quantities taken up. Thus a Virginian under the two shilling rent payable in tobacco could afford to carry more than twice as much speculative land as a Marylander under the four shilling rent payable in specie.[19] It was here, perhaps, that the quit-rents and other land liabilities had their most beneficial and important results.

The system of leasing made possible the securing of more land than would otherwise have been the case. At all times the renter comes only from the class of men who are unable to get land of their own;[20] and it may be safely inferred that the more difficult land is to procure the larger and the more dependable will be the renting class. It is apparent, therefore, that as the vacant lands became exhausted and those under patent increased in value, leasing and farming would become more and more popular. In the older counties vacant land was becoming exhausted during the third and fourth decades of the eighteenth century, and the frontier was being pushed back beyond the head of navigation on many of the rivers.[21] By 1754, except in Frederick County, there was not a single tract of desirable vacant land large enough to be erected into a manor.[22] It is during this period, therefore, that leasing seems first to have become important. Though some leases appear in the last quarter of the seventeenth century,[23] Hugh Jones, writing in 1721, said that the system was "not very common, most having Land of their own."[24] Very few leases are recorded pre-

[19] In comparison with Virginia it must be remembered that the rents were very frequently avoided there, especially on large tracts. This was not the case in Maryland.

[20] Governor Nicholson in the letter quoted on page 65 testifies to the natural aversion to being tenants.

[21] Both warrant books and rent-rolls show that land grants almost cease in the older counties about this time.

[22] Archives, vol. vi, p. 52.

[23] In 1684 the land council was instructed to renew leases on the proprietary manors (Archives, vol. xvii, p. 259).

[24] "Sometimes whole Plantations are sold, and at other Times small Habitations and Lands are let; but this is not very common, most having Land of their own; and they that have not may make more Profit by turning Overseers, or else by some other better Ways, than by *Farming*" (p. 61).

vious to 1720, but after that date they became increasingly numerous.[25] It is between 1720 and 1750 that we find both the proprietary and the private manors being let out in numerous leaseholds. Thus, though leasing sprang up so gradually that it is difficult to set a date for its beginning, we may say that, in all probability, it began to expand to important dimensions between the years 1720 and 1735.

The terms of leases varied considerably. There was a gradation from the overseer, who for a share in the crop superintended a gang of hands, to the lessor who held his land for a period of more than fifty years and paid a fixed annual rent.[26] Those renters who approached the status of overseers held for only short periods, frequently from year to year,[27] and often with no written instrument.[28] Formal leases, however, tended toward much longer periods. Five, seven, fourteen, and twenty-one years were favorite periods, the last, perhaps, being the most common. A very popular long tenure, especially on large estates, was for a life or lives, usually for three lives.[29] The prevalence of these long periods was due to two reasons: First, the lessor, who often dealt with numerous tenants, desired relief, as far as possible, from the trouble of changing them; and second, the lessee, who often had to develop tracts of new ground, desired a term sufficiently long to obtain recompense for the improvements put upon another's land.

---

[25] Too much must not be inferred from this, as the enactment in 1715 of a law requiring that certain leases be recorded may account for the difference. However, the change was not sudden, but was by a gradual growth.

[26] Richard Bennett, who lived in Queen Anne County, had overseers in Kent, Cecil, Talbot, and Dorchester counties, Maryland, and even in Accomac, Virginia. Overseers at such distances, of necessity, had all the freedom and responsibility of tenants (Land Office, Wills, Liber DD No. 7, p. 466).

[27] Baltimore, Court Records, 1731, Liber HS No. 7, p. 249.

[28] Suits for rent in which no lease is referred to are a strong indication that none existed. Bills for part of a year's rent—for example, "To 1 mo. 20 days rent of sd. plantation....142 lbs."—would also be very improbable under a written instrument. See Somerset County, Court Records, 1748, Liber P, p. 107; Charles County, Court Records, 1722, Liber N No. 2, p. 79.

[29] That is, three persons were named, usually three members of the lessee's family, and the lease continued as long as any of these survived.

The rates at which land was rented varied almost as much as the periods. Rates are found as low as ten shillings a year per hundred acres, and as high as £10. Such a matter naturally depended upon the quality, location, and improvements of the land, the bargaining power of the parties, and the date at which the bargain was made. As would be supposed, land rents gradually increased as the century advanced. Hugh Jones, writing about 1721, stated that servants when freed may "rent a small Plantation for a Trifle almost;"[30] he could hardly have said this of the £5 and £10 rents of the later period. The steady advance of rents on the proprietary manors is another indication of the general advance of rents throughout the province.[31] Though under such circumstances a generalization as to the renting value of land must be very dangerous, it may be said that about 1750 a plantation of medium size and desirability (from one hundred and fifty to two hundred acres) might be rented for from six hundred to a thousand pounds of tobacco, or from £5 to £8 currency per year.

In the early part of the eighteenth century the rent was almost invariably expressed in tobacco or some other agricultural product; but as the century advanced, and with the general change from tobacco currency to coin, money rents became more and more numerous. Frequently there were stipulations in the leases by which the lessee undertook to make certain improvements as a part of the rent. Setting out and maintaining orchards was the most frequent provision of this character; nearly all leases of land from the proprietor bore such a clause, and it was imitated by many private lessors. Other requirements of the same nature were the erection of houses and fences. These provisions were at times considered as part of the bargain over and above the stipulated rent, and at other times as a substitute for rent during one or more years. When unimproved land was rented, there was often a clause suspending payment

[30] P. 54. As Jones himself tells us, such statements apply as well to Maryland as to Virginia.

[31] See page 93.

of rent for the first two years to repay the tenant for the labor of improvement.[32]

A great hindrance to the leasing of land was the waste of which tenants were often guilty. Under the extensive system of farming, especially of tobacco, the first few crops from new ground were by far the heaviest; and after they were off, the soil was left of little value for agriculture until it had gone through a period of years in fallow. Governor Sharpe wrote that the tenants on the proprietary manors during the last few years of their terms put in such quantities of tobacco that they left the land impoverished and untenantable. He proposed that a clause be put into the leases limiting the number of acres that might be planted in tobacco during the last three years.[33] In the case of orphans' lands,[34] which were under control of the guardians, the viewers almost invariably limited the amount of land that might be cleared for cultivation. Waste of timber was another grievance that lessors charged against lessees. When not legally prevented, tenants often cut out all the timber fit for clapboards, staves, shingles, or rails, and left the land without sufficient wood to maintain buildings and fences. The viewers of orphans' lands usually specified also that only so much timber of this sort might be felled as was needed to maintain the plantation. Secretary Calvert complained in 1754 that impoverishment of the soil and waste of timber by former tenants were occasioning the proprietary lands to go untenanted.[35]

With regard to the low rents and the waste by tenants, Daniel Dulany wrote in 1764: "Every Gentleman who lets out Land in this Country, knows, how difficult it is, with

[32] In this discussion it is thought unnecessary to give specific references, as the land books of any county will reveal instances of each of these provisions.

[33] Archives, vol. vi, p. 38.

[34] On the death of a landholder leaving minor children three appraisers visited his land and made out an inventory showing the land and its improvements, and fixed a valuation on the rent to which the guardian should be held. This was recorded to serve as evidence should the orphan, on coming of age, sue for waste.

[35] Calvert Papers, No. 2, p. 180.

the utmost Care, to make any considerable profit by that scheme, & how impracticable it is to get an annual Rent equal to half the Interest w^ch^ wou'd arise from the money, for which the Land wou'd sell, or to prevent the Abuses of Tenants in the Commission of waste."[36] From one point of view Dulany was probably right. Land at this time was worth about £1 per acre, and a hundred-acre plantation would scarcely bring more than £5 or £6 per year rent. This is but five or six per cent. on the investment, even allowing no depreciation for waste. The profit from leasing lands, however, arose partly from the steady increase which was taking place in the value of land, and partly from the practice of securing woodland at low rates and increasing its value by bringing it into cultivation. Governor Sharpe wrote in 1765 that gentlemen in Maryland were then purchasing land with no other view than to lease it out when patent land was no longer to be obtained.[37]

That leasing of land was in some way profitable is abundantly proved by the amount of property thus cultivated. Great numbers of persons who held more land than they could occupy rented out a corner to some one who was willing to carve a plantation out of the forest for a couple of years free of rent. Sometimes the tract was sufficient to accommodate several plantations besides that of the owner. In this way sufficient income would be secured to pay at least the quit-rents, and thus enable the owner to retain the land until its value increased, or until it became desirable to set up his children as planters. Wills and valuations of orphans' lands show hundreds of estates on which the owner lived with one or more tenants grouped around him.[38] But not

[36] Calvert Papers, No. 2, p. 242.

[37] Archives, vol. xiv, p. 204.

[38] The following is a typical report: We find "there is on the afs^d^. tract called Wartons Adventure, three seperate Settlements Vizt. the late dwelling place where the dec^d^. Wm. Warton last lived, one other Settlement called Bat Burks, the other called Thos. Cooks" (Queen Anne, Land Records, JK No. B, p. 180). In the Gazette of January 22, 1756, Anne Beale advertised for rent a part of the plantation whereon she then lived. Other such cases are numerous.

all renting was of land contiguous to the owner's plantation. The greater landholders owned and rented lands in parcels scattered throughout a county or even in several counties. Securing, improving, and renting out lands in this way became one of the greatest fields for investment in the colony.[39]

Resembling somewhat the system of developing land by leasing was the system of working it by means of overseers. Although overseers' contracts are, naturally, less abundant than leases, enough of them have come down to us to show what the system was. The period of these contracts is usually for but a single year or, as it is generally expressed, for a single crop. In some cases, however, they were for as long as four or five years.[40] The remuneration took several forms. At times the overseer was paid a fixed salary varying from £10 to £30 per year.[41] In a large majority of instances, however, the overseer was paid a share in the crop; this was the customary method of payment. The share of the overseer varied according to the number of slaves to be worked, the rule being in many cases to divide the crop into as many shares as there were hands on the place including the overseer, of which shares one went to the overseer and the remainder to the owner. By this plan the overseer gained nothing from an increase in the number of slaves put in his charge; the contracts, therefore, always specified or limited this number.

Special provisions concerning various minor matters were often put into the contracts. The overseer was sometimes permitted to cultivate for himself—presumably with the aid of the servants or slaves in his charge—patches of corn or wheat.[42] Keeping driving-horses, milch-cows, or a number

[39] All the great landholders took part in this business. Charles Carroll writes that he spent much money on the lands of his nephew in developing them and preparing them for tenants (Johns Hopkins University Papers, box 38, in Maryland Historical Society).

[40] See Baltimore County, Court Records, 1724/5, JS No. TW4, p. 147.

[41] These limits are almost guesses, but the few cases I have seen come within them.

[42] Baltimore County, Court Records, 1722, JS No. TWZ, p. 195.

of hogs or sheep was also at times agreed on.[43] There was generally a provision concerning the maintenance of the overseer, and sometimes that of the slaves. When the overseer was to live on the dwelling plantation of the owner, he was sometimes furnished with lodging, board, washing, and mending;[44] when he was to live on a separate plantation, he was occasionally required to maintain himself,[45] but usually he was supplied with provisions. A Baltimore County contract calls for a year's supplies as follows: three hundred pounds of pork, one hundred pounds of beef, one and a half bushels of salt, and six barrels of Indian corn.[46] Though the maintenance of the slaves was sometimes mentioned, it was always borne by the owner.

The duties of the overseer were mainly, of course, to take entire charge of the cultivation of the plantation. The crops to be raised were agreed on by the owner and the overseer and were often mentioned in the contract; thereafter it was the overseer's duty to see that they were properly put in and attended to. But the overseer often had to do more than that. The custom of building with green lumber and of using no paint made structures very short-lived and kept construction work almost always going on. Not a little of the overseer's duty was, therefore, to superintend and aid in the erection of buildings and fences. A number of overseers' contracts specify minutely what work of this sort shall be done. Occasionally other duties are required. In one case the overseer's wife was "to milk, wash, dress the victuals for the family, mend and make for the slaves, to live peaceably and quietly with the family, and not to meddle with any affair."[47]

Although at times such menial services as these might be part of an overseer's duty, and although at other times the

[43] Kent County, Court Records, 1764, DD No. 4, p. 247.
[44] Baltimore County, Court Records, 1724/5, JS No. TW4, p. 147; 1720, JS No. C, p. 479.
[45] Kent County, Court Records, 1764, DD No. 4, p. 247.
[46] Court Records, 1722, JS No. TW2, p. 195; Kent County, Court Records, JS No. 37, p. 329.
[47] Baltimore County, Court Records, 1722, JS No. TW2, p. 195.

office might even be so debased as to be filled by one of the more trustworthy slaves, yet in most cases the overseer was far from being a menial or even a laborer. So sharply were the duties of an overseer distinguished from those of a laborer that there are cases in which additional pay was claimed for laboring work done during the time of overseership.[48] In fact, overseers came from the best of the landless class, perhaps even better than that of the free tenants.[49] A landlord was not apt to place slaves, implements, and land to the value of several hundred pounds in charge of any but competent and reliable men. When the quarter was at a great distance from the owner's dwelling plantation, the overseer filled an especially responsible position. He was then not only answerable for the management of the plantation, but he was also in a way the owner's personal representative, and even looked after such legal matters as touched the number of taxables, the road levy, and perhaps the poll-tax.[50] Overseers, therefore, seem in many cases to have been respected members of the community, and members of the owner's own family are often found acting in this capacity.[51]

The responsibility of the overseer's position depended somewhat upon the number of slaves or servants placed in his charge. This number varied, of course, with the financial ability of the owner. It was not unusual to have an overseer with but one, two, or three slaves; and, on the other hand, the number of slaves under an overseer sometimes ran as high as fifteen or twenty. The average in Charles

[48] Kent County, Court Records, 1764, DD No. 4, p. 115.

[49] Notice the proviso in the statement of Hugh Jones: Servants when freed "may work Day-Labour, or else rent a small Plantation for a Trifle almost; or else turn Overseers, if they are expert, and industrious" (p. 54).

[50] On petition of William Mattingly, overseer for Samuel Hyde, of England, four slaves were exempted from taxation (Baltimore County, Court Records, 1734, JWS No. 9, p. 356).

[51] G. Harris was overseer on B. Harris's quarter, and Phil. Dowell, jr., on Phil Dowell's quarter, according to the Calvert County tax list of 1733 (Maryland Historical Society, MSS. file, 122). Richard Bennett willed several plantations to the overseers who were living on them (Land Office, Wills, DD No. 7, p. 466).

County in 1733 was about three taxables,[52] besides the overseer, on each quarter. In Calvert County, which was somewhat more developed than Charles, the average was at the same time nearly six taxables to a quarter.[53] As Calvert County seems to have been the most advanced section of the colony, it is very probable that in other counties the proportion of slaves to overseers approached that of Charles County more nearly than it did that of Calvert.

Working land by the overseer system seems to have been more profitable than renting it to tenants. The cheap slave labor produced so large a surplus of wealth that the landlord and the overseer could divide the profits and each have more than he would have had if the land had been rented at a fixed sum and worked entirely by the tenant himself.[54] Under this management the owner could also prevent waste of timber and impoverishment of the soil. On the other hand, the owner's share of the crops was not always forthcoming, and the large landholders may have lost much by the delinquency of tenants.[55] Moreover, the more shiftless among the overseers were always backward in preparing their tobacco for shipment, so that the Lower House urged the difficulty experienced by planters in getting this part of their crop ready as a sufficient reason for not limiting more narrowly the time for shipment.[56]

---

[52] All persons over sixteen years of age except free white women were taxables.

[53] These figures are taken from the lists of taxables, which are arranged by households and which carefully distinguished quarters from dwelling plantations (Maryland Historical Society, MSS. file, 122, 123).

[54] Jones wrote about 1721: "They that have not [land] may make more Profit by turning Overseers, or by some other better Ways, than by *Farming*" (p. 61).

[55] "Item, whereas several of my Overseers stand largely indebted on my Books and I have had part of their shares of the Cropps made on my Plantations and the accounts of the said Cropps not settled," etc., their debts were discharged (Will of Richard Bennett, in Land Office, Wills, DD No. 7, p. 473).

[56] "The Business of Farming and Planting are very much intermixed in most Parts of the Province, which a good deal retards the Planter in preparing his Tobacco for Inspection, and we think, in a general way, renders it impracticable to do it by the last of June, consistent with the Farming Part of his affairs" (Lower

The amount of land that could be worked by overseers was limited only by the amount of capital necessary to secure slaves and implements. All the great landholders and wealthy men had numerous and sometimes widely scattered plantations under this system. Richard Bennett in 1749 had some twelve or fifteen plantations, with slaves and overseers, scattered from Cecil County on the north to Accomac in Virginia on the south. Daniel Dulany, though a resident of Annapolis, maintained at least one plantation with servants on Wye River.[57] In fact, the regular way of increasing the scale of cultivation was not so much by enlarging the size of the plantation as by establishing separate plantations under overseers, often at great distances from the owner's dwelling.[58]

The acreage of these outlying quarters cannot be discussed apart from the question of the acreage of plantations in general. This question is one of considerable complexity because the colonists had no clear idea of the agricultural unit which we now call a plantation or farm, that is, a cultivated tract under a single management, with, perhaps, sufficient woodland to supply timber for all necessary purposes, and clearly set apart from all other similar units. In the colonial period, especially in the earlier part, plantations were usually clearings in the midst of great forests, and had no fixed bounds other than the surrounding woodland. Under these conditions the term "plantation" came to be applied to only the clearing. Consequently we find many expressions like the following, "a tract of two hundred acres on the southern end of which is seated a plantation of about forty acres." Lacking the idea of a plantation as well as the thing, those who made out colonial documents naturally gave very few figures for such a unit.

House Journal, October 25, 1763). By the word "farming" in this passage the house undoubtedly means all working of land on shares, which will include most overseerships and perhaps some leases.

[57] Advertisement for a runaway servant (Maryland Gazette, September 16, 1746).

[58] For numerous instances, see any volume of wills or inventories or any list of taxables. These separate plantations are designated as "quarters."

In examining this subject, therefore, it may be well to consider first the total amount of land held by each individual, and to note after that the amount in each plantation. Fortunately, individual holdings for the several counties are fully and accurately given in the debt books.[59] From these books it appears that, at the middle of the eighteenth century, the average amount of land held by an individual in a single county varied from about 250 to 475 acres. In the frontier counties, such as Cecil and Frederick, the average ran high, being 341.9 and 370.1 acres respectively. In Kent, St. Mary's, and Worcester, however, counties which had long been settled, the average was 279.6, 282, and 255.3 acres respectively. On the other hand, the nearer a county lay to Annapolis—the center of government and, consequently, of the aristocratic class—the larger were the holdings. In Anne Arundel the average was 472.8, in Calvert 364.1, and in Talbot[60] 329.5.[61]

Since many owners had lands scattered in various parts of the counties and worked in several plantations, it is evident that the average amount of land in each plantation

[59] The series of debt books begins at the expiration of the quit-rent agreement in 1733 and runs to the Revolution. In them is given the name of each landholder in the county, with the tracts and parts of tracts held, their acreage, and their quit-rent. Because of the confusion into which the organization for collecting the quit-rents fell during the period of the commutation, the debt books between 1733 and 1740 are very inaccurate; after 1740, however, their errors are too slight to have any importance in the above calculation.

[60] Talbot County was in close touch with Annapolis by water.

[61] The following table will show these figures more clearly:—

County	Year	Acreage of all patented land	Number of landholders	Average holding
Cecil	1749	131,512	348	371.9
Kent	1760	177,318	634	279.6
Talbot	1756	206,935	628	329.5
Somerset	1755	288,817	938	307.9
Worcester	1755	307,195	1203	255.3
Frederick	1752	382,237	1032	370.1
Anne Arundel	1755	351,135	730	472.8
Calvert	1755	113,590	312	364.1
Charles	1755	237,428	692	343.1
St. Mary's	1754	162,006	567	282

must be very much smaller than the average holding. This unit is the one now generally meant by the words plantation and farm, a unit which, as has been said, was not very definitely defined in the colonial period. The nearest to such a unit that can be found in the records is the tenement. The average size of the tenements on Kent Manor in 1766 was about 125 acres.[62] Eleven leases on the Carroll estates recorded in Baltimore County between 1739 and 1758 average about 118 acres, and 85 leases by Thomas Brerewood recorded between 1740 and 1746 average 106 acres.[63] One hundred acres was such a favorite size for leases that nearly one fourth of all that are recorded are for that amount. In general, the average size of leaseholds ran between 100 and 150 acres.

But leases, it may be assumed, were generally for smaller tracts than were worked by the landowners themselves. Some hints concerning the size of the plantations of the landholding class can be had from the appraisements of orphans' estates, some of which give the acreage. The dwelling plantations in forty-two appraisements of lands in Cecil, Kent, Queen Anne, Somerset, Baltimore, and Charles counties show an average of about 183 acres. The advertisements of land for sale which appeared in the Maryland Gazette run somewhat larger than this; but here we would expect to find an undue proportion of the large tracts of speculative lands. Eighteen plantations of which the size has been found from various accidental sources show an average of 202 acres. These figures agree sufficiently well both with each other and with the probabilities of the case when compared with the size of the holding on the one side and the size of the tenement on the other to lead us to conclude that the average plantation of the middle-class landholder was somewhere between 150 and 200 acres.

Above the average landholder was the body of landed aristocracy, who drew their wealth and prestige from their

[62] Johns Hopkins University Papers, box 3, and bundle 51–2.
[63] Baltimore County, Land Records, Index.

enormous estates. These properties in the colonial period consisted, for the most part, of many scattered tracts, both leased out and worked under overseers, rather than of single large plantations surrounding the owner's residence and cultivated under his own eye. The dwelling plantations of some of the more important landholders, however, were very large. Talbot County was the home of a great many of the aristocratic families, and here we should find many of the largest plantations. The assessment of 1783 seems to have been made in Talbot with greater regard to the plantation than is shown by previous land records.[64] Of the sixty-seven plantations in this assessment with as much as 200 acres of cleared land the average size of the total plantation was about 615 acres. One, owned by Richard Bennett Lloyd, contained as much as 3230 acres. This, however, was exceptional, as the next largest was but 1468 acres. Four others were larger than 1000 acres, and another above 900 acres. The median of the sixty-seven fell between 462 and 463 acres. These figures must, however, be taken with much caution. In the first place, they come from a time —1783—much later than that under consideration, and in the second place, the assessors seem in many cases to have thrown together all of a contiguous tract regardless as to whether it was all cultivated by one man or whether it was rented out in several tenements. It is almost certain that some of the tracts under consideration should be broken up in this way. Allowing, therefore, for this error, we may safely conclude that the average of the sixty largest plantations in Talbot County was about 600 acres. It is probable that in no other part of the province—except, perhaps, in Anne Arundel County—was there such an abundance of large farms.

More important than the size of the plantation, in the modern sense of the word, is the size of the clearing. In forty-one appraisements of orphans' estates between the

[64] These returns are in the Scharf Papers, box 84, in Maryland Historical Society.

years 1731 and 1765 which happen to show the size of the clearings the range of the cleared land is between 9 acres and 325 acres and the average is 67.5 acres. In eighteen advertisements in the Maryland Gazette the plantations range between 7 acres and 250 acres of cleared land and average 82.6 acres. The colonial idea of the proper amount of cleared land for a plantation is shown by the fact that when the appraisers of orphans' estates permitted the guardian to develop a plantation out of a tract of woodland belonging to the orphan, they regularly limited the amount of land that might be cleared to between 30 and 50 acres.[65] From the assessments of 1783 we get averages somewhat larger than those from advertisements and appraisements. The three assessment districts into which Talbot County was divided gave average clearings of 90.2, 97.2, and 130.4 acres. As this assessment was made about thirty years later than the mean date of the orphans' appraisements, it is natural that the clearings should run a little larger; in general, the assessment supports remarkably well the averages drawn from the more limited body of figures.

In the case of the clearing, as in that of the total size of the plantations, we must consider tracts which were above the average size. Of the 713 plantations assessed in Talbot County in 1783, 67 had as much as 200 acres of arable land. The average of these sixty-seven clearings was 322.4 acres, and the median fell at 250 acres. The largest three were 1450, 750, and 700 acres. These figures very likely err by being too large,[66] and must be considered as the extreme

[65] Such appraisements may be found in the following records: Cecil County, Land Records, 1735, WK No. 2, p. 110; Kent County, Court Records, JS No. 18, pp. 64, 144; Queen Anne County, Land Records, RT No. C, p. 248; Charles County, vol. xlii, p. 611. One of the purposes of the appraisers was to protect the orphans' woods from waste by the guardian, so that in such a case they would naturally make the size of the clearing rather small.

[66] In compiling these figures several tracts credited with more than two hundred acres of cleared land have been rejected because the remarks show plainly that they were leased out in several parcels. Seventeen tracts have been discarded because the owner had no slaves. Though this fact does not necessarily prove that the land was leased in more than one parcel, the chances are very

limits of plantations in Talbot County. Except Anne Arundel no other county was the seat of so many wealthy landholders as Talbot; in other counties, therefore, the cultivated areas ran somewhat smaller and about 1760 probably seldom exceeded 300 acres.

Since it has been shown that the plantations were generally not above 200 acres and that the total holding of each individual ran as high as 250 to 375 acres, the question arises as to what form was assumed by the surplus holding. It is in order, therefore, to examine the various forms in which the landlords held their estates.

Perhaps nearly one fourth of all the land in the older counties was held in parcels of from 50 acres to 250 acres by men who owned no other land, and who either by their own labor or by that of a few slaves cultivated all their clearing. Many other men, who owned tracts somewhat larger, rented out one or more plantations grouped about their own. Numerous valuations of orphans' estates distinguish clearly a dwelling plantation and on the same tract sometimes one, sometimes two, and sometimes four or five tenements.[67] It was a common practice for men who owned larger tracts than they themselves could work to let out parcels of it in this way.

It must not be supposed, however, that the large landowners, or even those of medium importance, held all or most of their land in one parcel. This was the desideratum,[68] and most owners held lands all within a more or less circumscribed neighborhood; but many held land in two or

---

great that such was the case, and it will approximate the truth much nearer to reject them than to retain them. In a number of other cases the slaves were far too few to work a plantation of the size indicated, but since it is impossible to distinguish them exactly, these tracts have been retained. There is little doubt that many of these sixty-seven tracts were in reality several plantations.

[67] Queen Anne County, Land Records, RT No. A, p. 16; Charles County, Court Records, J No. 3, p. 384.

[68] Daniel Carroll by will in 1734 authorized Charles Carroll to sell all his lands which did not in one tract exceed five hundred acres (Narration to deed in Land Office, Land Records, Liber DD No. 3, p. 345). This, however, was possible only to a few who had been able to secure large tracts and hold them.

more counties, and some few had plantations scattered well over the province. Daniel Dulany possessed one of the largest and most scattered estates. As early as 1729 he advertised for rent lands in Baltimore, Prince George, and Kent counties;[69] and his later activities extended into Frederick, Talbot, Queen Anne, and other counties. The Carroll family held land in almost every county of the Western Shore;[70] Charles Carroll, father of one of the Signers, though centering his activities about what is now Howard County, also held land in Baltimore, Frederick, Talbot, and perhaps several other counties.[71] Men of smaller means, such as Philip Key, owned land in Frederick, Charles, and St. Mary's counties, and Edward and Caleb Dorsey had possessions in Frederick, Baltimore, and Anne Arundel.

The line between the two shores was somewhat sharply drawn; few owned land on both sides of the bay. On the Eastern Shore, however, conditions were about the same as on the Western. Richard Bennett was, possibly, before the middle of the century the greatest landowner in Maryland. His will,[72] made in 1749, shows him in possession of over thirty plantations scattered from Accomac in Virginia to Cecil in Maryland. After the middle of the century the greatest landowner on the Eastern Shore was Edward Lloyd. The debt books between 1760 and 1766 show that he owned 360 acres in Cecil, 5216 acres in Kent, 5859 acres in Queen Anne, 12,390 acres in Talbot, and 12,467 acres in Dorchester. Within the counties, moreover, the lands were not contiguous, but were scattered in parcels. Most large estates of the period were acquired by purchasing or patenting forest land, and developing it into plantations either by means of overseers or by leasing it to tenants. Vacant lands

[69] Maryland Gazette, April 8, 1729.

[70] See the debt books of the various counties.

[71] The multitude of Charles Carrolls makes it impossible to be certain always which Carroll the debt books mean. See Johns Hopkins University Papers, box 38, for Carroll's own statement that he spent much money on the lands of his nephew in developing them and preparing them for tenants.

[72] Land Office, Wills, DD No. 7, p. 466.

were to be had only in small parcels, and their development, consequently, led to the building up of such divided estates as those of Dulany and Bennett.

This method of developing lands depended on the securing of tenants and overseers, and therefore it did not become a very important movement until the early part of the eighteenth century, when the passing of the frontier in the older counties was making it difficult to secure vacant land and was forcing the landless to accept leases. Between 1720 and 1730 the method first becomes noticeable. It was then that Richard Bennett was accumulating his estate, and between about 1720 and 1750 Daniel Dulany amassed his wealth in land. Charles Carroll testified that in 1734 the vast tracts of Doughoregan, Ely O'Carroll, Chermalira, Litterlona, and others did not pay one pound of rent; but that through careful management he had by 1764 built up a vast roll of nearly fifty thousand pounds of tobacco per year.[73] It was by vigorously pushing this method of land development at the period when renting first became possible that many of the early Maryland fortunes were amassed.

The great problem in the management of large landed estates was the procuring of tenants. Advertisements of land for rent were frequently inserted in the Gazette; sometimes only a single plantation was offered at once; and sometimes large tracts were offered to be leased in parcels.[74] But the landlords did not stop with bringing their land to the attention of the provincial public; they also advertised in other colonies and abroad. Charles Carroll, in defending a charge which he had made against his nephew for trouble in procuring tenants on the nephew's land, said: "Consider that to procure these Tenants I have sollicited & Employ'd many people, that I have paid Several Sums out of my Pocket to persons who procurred Tenants in particular to Mr. Franklin[75] I think about £7. Consider the many letters

[73] Papers relating to the case of Carroll v. Carroll, Hill, and Waring (Johns Hopkins University Papers, box 38).

[74] April 1, 8, 1729; June 24, September 30, 1746; March 10, 1747; October 19, 1748.

[75] Doubtless Benjamin Franklin, who had a wide correspondence in Maryland.

I have wrote on the occasion not only to people in this Province, but to Ireland & Germany with conditions on which I would Rent Lands."[76] Daniel Dulany sent to the proprietor a copy of a letter, written by Germans and urging their countrymen to come to Maryland, which was, doubtless, written and sent at Dulany's instigation and expense.[77] Only the owners of the very largest estates, of course, resorted to such energetic methods.

Besides the cost of the land and the expense of procuring tenants, a considerable outlay was also necessary for the erection of buildings to make the land tenantable. Charles Carroll charged his nephew as much as 2620 pounds of tobacco (equivalent to about £15 or £20) per tenement for the erection of dwellings and tobacco houses.[78] It would have cost but little less to allow the tenants two years rent free to provide buildings for themselves, for in that case the buildings erected might have been much less substantial. It required, therefore, a great deal of capital to develop a tract by tenanting. It may have been, as Daniel Dulany said, that the rents paid no great interest on the total value of the tract when developed.[79] The profit of the business lay in the great increase made in the value of land by its rescue from the wilderness. To some extent, therefore, developing land was a speculative business in which the capital invested had to stand for a long period before the profit was reaped. One effect of the necessity for capital in conducting these operations was that it limited development on a large scale to those who already had wealth or who had from other sources an income which was seeking investment. We find, consequently, that most of the very great landowners were either merchants or public officials who invested in land the money gained in these other occupations. Richard Bennett, for instance, conducted a large mercantile

[76] Papers in Carroll v. Carroll, Hill, and Waring (Johns Hopkins University Papers, box 38).
[77] Calvert Papers, MS., No. 295½.
[78] Johns Hopkins University Papers, box 38.
[79] See p. 99, n. 41.

business in Queen Anne County; Edward Lloyd was agent or receiver-general; Charles Carroll had his start from his father, who attended to the proprietor's affairs in Maryland during the period of the royal government; and Philip Key was sheriff of St. Mary's County, member of the Lower House, and finally councillor.

The conditions under which land had to be procured gave rise to some of the characteristics of land development. In older counties, where the land had for the most part been patented long before it became possible to tenant it, few of the large grants survived undivided to the time when it was possible to bring them into cultivation. Some persons tried to increase the size of their tracts by securing the adjoining lands.[80] In general the older counties show very few tracts as large as a thousand or fifteen hundred acres. In the newer counties, however, there were more large tracts. Wherever it became possible to secure tenants in a region where there was at the time or had recently been large parcels of vacant land, the tracts were less divided, and were, consequently, larger. At an early period Augustine Hermann took up a large tract known as Bohemia Manor in Cecil County, and rented out much of it to Germans whom he brought over from the Delaware. The rapid settlement of the rich lands in the forks of the Patuxent and on Elk Ridge, combined with Charles Carroll's industry and ability in procuring tenants not only from all over Maryland but even from Europe, made it possible for him to develop in that region tracts, or manors, of from five to ten thousand acres each. Thomas Brerewood, who through relationship to the proprietor came into possession in 1731 of a tract of ten thousand acres in Baltimore County, developed the land into a thickly settled estate.[81]

[80] The estate of William Cummings, for instance, consisted of the following lands: part of Broad Creek, 50 acres; Slades Addition, 50 acres; Forfatt, 30 acres; Justice Come at Last, 150 acres; Mill Town, 46 acres; and Wolf Neck, 100 acres, all contiguous on the northern side of the Severn; and Hazard, 60 acres; Hood's Hall, 100 acres; part of Ben's Luck, 25 acres; and part of Freeborn's Progress, 135 acres, all contiguous on Elk Ridge (Maryland Gazette, July 9, 1752).

[81] Baltimore County, Land Records, Index.

The only part of the province in which tenants could be obtained before the frontier had receded was what is now Frederick and Washington counties. In all other sections patenting of land ran ahead of settlement; but about 1730, while Frederick was still an unbroken forest with practically no land under patent, there suddenly began to pour across the northern border a stream of German immigrants, thoroughly skilled in small farming, without money, without knowledge of the English language, and without the traditions of land ownership and broad acres characteristic of the English-American. Here was an ideal tenantry. Unable to purchase land, not knowing how to patent it, with legal restrictions on their ability to dispose of it, and with no great aversion to becoming tenants, the Germans played directly into the hands of land speculators, who here for the first time found both the land and the tenantry, needing only the speculator's efforts to bring the two together.

Under these conditions there occurred a boom of western land speculation and development comparable to many similar movements of modern times. So rapidly was the country developed that what had been almost all forest in 1730 was erected into a county in 1748, and by 1755 had become the second county in the province in population.[82] The amount of speculative development made possible by this growth is evident. Almost every wealthy man on the Western Shore became interested in Frederick lands. In 1740 John Diggs was granted a warrant for 5000 acres in this county, with the condition that he settle thereon at least ten families.[83] In 1763 he still owned 3374 acres in Frederick County. Some other large owners in Frederick about 1763 were Philip Key, 5333 acres, Edward Diggs, 5505 acres, Richard Snowden, 6588 acres, Edward Dorsey, 9970 acres, and James Brooks, 22,834 acres. Certainly several of these men and possibly all of them resided out-

[82] The census of 1755 gave Baltimore County a population of 17,238 and Frederick County, 13,970 (Hill Papers, Miscellaneous, in Maryland Historical Society).

[83] Land Office, Warrants, LG No. A, p. 192.

side of Frederick County. Much Frederick land was held on pure speculation without any improvement. William Eddis said of the county in general that the land was to a considerable extent taken up with an eye to the future, and people were content to clear gradually.[84] The tax collector in 1757 reported to a committee of the Lower House that of the 537,500 acres of land patented in Frederick County, 62,042 acres of uncultivated land were owned by people residing in Baltimore, Anne Arundel, Prince George, and Charles counties.[85] We have no estimate of how much cultivated land was held by non-residents.

Development of western land was in character very much like that of land in the older counties. Men secured large tracts and rented them out in parcels of from fifty to one hundred and fifty acres each. In Frederick County, however, the helplessness of the tenants, caused by their poverty, by their ignorance of language and customs, and by the remoteness of their situation, led the landowner in many cases to assume the role of a patron. Two instances of this are particularly interesting.

Daniel Dulany was one of the first as well as one of the largest and most successful land dealers in Frederick County. When he first took up large tracts in this region, it was generally thought that he was on the road to financial ruin,[86] but on his land was formed one of the earliest settlements. This start, combined with the favorable location, soon created on his property the metropolis of the Monocacy Valley. In 1745 Dulany himself laid out a town, which he called Frederick; he also gave land for churches, and seems to have assumed a sort of guardianship over the community.[87]

---

[84] Letters from America, p. 129.
[85] Lower House Journal, April 28, 1757.
[86] Eddis, pp. 98, 99.
[87] A letter signed by twenty-five German settlers reads in part: "One of the Principal Gentlemen of this Country (Mr. Dulany) who lives at Annapolis, the Capital of this Province, was so kind as to Assist us wth 306 Pistoles & to free us from ye Captain's Power, we are Perswaded that this Gentleman will be Serviceable to Aid and Assist all Germans that will Settle in this Province" (Calvert Papers, MS., No. 295½).

Another place which developed in a manner very similar to Frederick was Hagerstown. Jonathan Hagar, a German immigrant, settled in that region and took up land. Following the lead of Dulany, he built up his settlement, and after the close of the Indian wars laid out a town. Eddis writes: "A German adventurer, whose name is Hagar, purchased a considerable tract of land in this neighborhood, and with much discernment and foresight, determined to give encouragement to traders, and to erect proper habitations for the stowage of goods, for the supply of the adjacent country. His plan succeeded: he has lived to behold a multitude of inhabitants on land which he remembered unoccupied; and he has seen erected in places appropriated by him for that purpose, more than a hundred comfortable edifices, to which the name of Hagar's Town is given, in honour of the intelligent founder."[88]

[88] Pp. 133–34. See also Sollers, "Jonathan Hagar," in Society for the History of the Germans in Maryland, second annual report.

CHAPTER IV

MANORS

Some of the large tracts of rented land both in the back country and in tide-water Maryland—though mostly in the latter—were dignified with the name manor. In the early days of the colony an attempt had been made to introduce the manorial system with its full complement of manorial rights;[1] but perhaps because of the impossibility of obtaining tenants, the system completely failed. When it finally became possible to secure tenants, some of these manors which had continued undivided were leased out, as they were originally intended to be, and the name manor still clung to them.[2] Some few of the later grantees—Charles Carroll, for instance—also called their tracts manors. Though there had never been any formal revocation of the manorial rights granted with the early manors, those rights had long been unused and as good as forgotten, while the later grants never carried any such privileges.

The manors of later times in Maryland, therefore, differed in no way from other large holdings. They were simply a number of tenements grouped together, the tenants of which had no relations with each other and had only the ordinary contractual relations with the landlord. The manor was a unit only in that it was held by virtue of a single patent, bore a single name, and was, in some cases at least, managed as a unit by the owner. Charles Carroll certainly had several stewards[3] to deal with his tenants—

[1] J. Johnson, "Old Maryland Manors," in Johns Hopkins University Studies, series 1, no. vii.

[2] George Plater in 1729 advertised that a resurvey had revealed many squatters on St. Joseph's Manor, St. Mary's County, and that he was inclined to lease it out in small parcels (Maryland Gazette, April 1, 1729).

[3] These stewards were, perhaps, little more than tobacco receivers such as were employed by most merchants and others who received

perhaps a steward for each of his manors. The rent also on Carroll's manors was made payable at the inspection house of the manor.[4] Since, aside from these slight administrative conveniences, the manors did not differ from any other leased lands, their importance was more spectacular than real. In fact, during the later colonial period the name was the only distinctive feature of such a possession.

The use of the word manor, however, has helped to preserve some of the tracts bearing it from the rapid dismemberment which overtook other lands. When tracts came to be worked in several distinct parcels, it was but natural that they should soon be regarded as mere compounds of those parcels, and on but slight occasion they would break down into their component parts. Throughout the colonial period Maryland was going through this process of dividing up the unwieldy tracts in which a great deal of the land had been patented, and making the units of ownership conform more closely to the economic unit in which it had always been found convenient to cultivate the soil. In many cases, no doubt, the tenants who rented parts of larger tracts ultimately bought their tenements; in other cases divisions among heirs split up large tracts. The number of deeds reading "part of a tract" far exceeds the number of those reading "all that tract." In this process manors, as well as tracts without that title, often went to pieces,[5] but the mere psychological fact of their being thought of as units no doubt prolonged the life of many of them. For sentimental reasons a manor would be kept whole until dire financial difficulties compelled its division. From these causes some

tobacco in large quantities. They were paid two shillings sixpence sterling for each nine hundred and fifty pounds of tobacco received by them. Carroll tells us that he himself transacted much of the business that we usually associate with the duties of a steward.

[4] Johns Hopkins University Papers, box 38.

[5] In 1755, for instance, Wollaston Manor in Charles County, 1098 acres, was divided by arbitrators into six plantations of 183 acres each and assigned to six different owners (Charles County, Land Records, A No. 3, pt. 2, p. 353).

of the old manors have survived almost intact to the present day.[6]

A prominent example, in some ways typical of private land speculation and development in Maryland, is to be found in the proprietary manors. These lands were manors only in the same sense that large private holdings were entitled to that name. They were tracts withheld by the proprietor from grant by the land office and leased out in parcels like the lands of private owners.

The first proprietor of Maryland, in order to share in the benefits of the increase in land values, inaugurated the policy of reserving certain land for himself; and following the tendency of that day, he erected these lands into manors. In the instructions to Governor Charles Calvert in 1673 it was stated that orders had several times been given to lay out in each county at least two manors of at least six thousand acres apiece for the private use of his lordship and his heirs. These orders, the proprietor complained, had never been strictly carried out, "notwthstanding he looks upon it as a thing of very greate Concernm^{t} to him & his posterity."[7] Though some manors had probably been already laid out in accordance with the earlier instructions, this was the beginning of the maintenance of manors as a regular system.[8]

In accordance with the example of the private manors, the proprietary manors, after being carefully surveyed and entered on the land records, were offered to be leased to tenants in small holdings.[9] Leasing of manors, it seems,

[6] Doughoregan Manor in Howard County is still undivided.

[7] Archives, vol. xv, p. 31.

[8] Secretary Calvert, writing in 1752, stated the motives of the proprietor in this matter as follows: "It was Plann'd by the first Proprietary to inform his successors, that by reserving Judicially particular Parcels of Lands in and about the Province, . . . such Premises would in time make the Demand of them Lands very valuable, and one of the chiefest Recompence for his and their great Expence and Labour for the Enlargement of the Empire and Dominion of Great Britain" (Calvert Papers, No. 2, p. 148).

[9] The land council in 1684 was instructed upon the expiration of any lease within a manor to renew it for five years on the same terms as formerly granted (Archives, vol. xvii, p. 259).

was not carried on to any great extent during the seventeenth century. Perhaps, as has been said before, this was due to the abundance of cheap land, which attracted those persons who in other countries became the tenant class. During the royal period, moreover, the whole system seems to have been neglected and allowed to go to pieces. The manors were left with few tenants, squatters took possession, boundary lines were forgotten, and neighboring landholders encroached until, it is said, one manor was almost entirely lost.[10]

From this state of dilapidation the manors began to revive soon after the restoration of the province to Lord Baltimore. Conditions were then such as made it possible to secure tenants, and the proprietor, like other landholders, began to turn this to account by letting out more and more of his land. From all his manors in 1731 the proprietor received only eighty-five rents, but four of which came from Kent Manor.[11] In 1764 Kent Manor alone contained fifty-seven tenements, most of which were rented.[12]

The terms of the leases under which manor lands were held resembled in many respects the leases of private land. The periods ran from five to twenty-one years or for three lives, with a strong tendency in favor of three lives and twenty-one years. The proprietor generally refused to

[10] The following, written in 1729, is a description of the manors: "I have heretofore mentioned the necessity of Resurveying your Manors, without which much of them will soon be lost. Many daily Incroach on them, and the Evidences that Can only prove bounded trees, as daily grow Old and Drop off. Your Orders to your Agent therein will I think be of the Utmost Consequence to yr. Landed Interest, and not for the Above reasons to be Delayd. Your Mannor of Pangayah is they say already Swallow'd up, for the people pretend, that no one knows where to find it" (Calvert Papers, No. 2, p. 79). So little regard was paid to the manors that in 1730 the judges of the land office thought it necessary to enter a resolution to the effect that as several persons had attempted to secure warrants for lands heretofore supposed to be manors, it was the opinion of the board that such lands should not be taken up but should be held as reserved to his lordship's use (Land Office, Warrants, EE, p. 64).

[11] Lord Baltimore's account book, 1731 (Calvert Papers, MS., No. 912).

[12] Johns Hopkins University Papers, box 47 and bundle 51–2.

grant leases for any longer terms. About 1752 the tenants of Anne Arundel Manor tried to obtain leases for ninety-nine years renewable for ever, which would have been almost equivalent to granting fee simple title under a quit-rent equal to the rent they had been paying on the manor. This, it will be observed, would have defeated the object of the system by turning over to the tenants all benefit from an increase in value. The proposition was, therefore, flatly refused, and President Tasker was strictly ordered to "Beware of the first Step, in fixing Rents."[13] By this policy in respect to the period of leases the proprietor wished to preserve the power to increase the rent of manors as land increased in value.

The rent reserved by leases of manor lands in the earlier part of the eighteenth century was almost uniformly ten shillings per hundred acres. Sometimes one or more capons were added, and usually an alienation fine equal to two years' rent was imposed. In addition, there were often provisions requiring the erection of dwellings—which were usually thirty feet long by twenty feet wide with a brick chimney—and the setting out and maintaining of one hundred apple trees. The last group of requirements were, obviously, included only in leases of unimproved land.[14] As the century advanced, land became more valuable, and the proprietor exercised his right to advance the rents as leases expired. On the more valuable manors rents were pushed up first to twenty shillings, then to £3, and finally a small number brought £5 per hundred acres.[15] As early as 1743 Benjamin Tasker wrote that "almost the meanest" land on North East Manor in Cecil County would bring twenty shillings per hundred acres.[16] In 1754 rents on manors in Baltimore and Frederick counties were raised to twenty

[13] Calvert Papers, No. 2, p. 148.

[14] See a number of leases of manor lands in the Johns Hopkins University Papers, box 3. Most land record books for the various counties will also show such leases.

[15] See "Answers to Queries in the London Chronicle," prepared by Secretary Ridout in 1758 (Calvert Papers, MS., No. 596).

[16] Calvert Papers, No. 2, p. 101.

shillings.[17] The war which broke out about this time led to incessant Indian raids on the frontiers, and undoubtedly retarded the advance of manors not only in Frederick County but also in Baltimore; and there may have been no further advance in the rent of these manors. Anne Arundel, however, was far enough removed from the seat of war to make possible in 1755 an advance in Arundel Manor rents from £3 15s. to £5 per hundred acres, but some of the surrounding reserved lands had to be allowed the tenants with each tract leased at this rate.[18]

After the restoration, when it was seen how much the proprietor had profited by the increased value of his manor lands, and especially, about the middle of the century, when leases had made the manors sources of a considerable immediate income, it became the policy of the proprietor to extend the system. By this time the old idea of a manor as a separate legal unit had died out, and the objects formerly reached by the erection of a manor were now frequently gained by merely reserving the land, that is, instructing the officials of the land office not to issue warrants for any land within a prescribed area. This method was also sometimes employed to limit the area open to settlement so as to force population into sections where it was desired.

As early as 1724 a manor of ten thousand acres was laid out on the Potomac;[19] and in 1731 the land office began to extend the old manors by systematically reserving all lands that might fall escheat or forfeit within three miles of any existing manor.[20] A similar reserve was entered in 1739 on all lands within five miles of Annapolis.[21] A large extension of the manors seems to have been contemplated about 1754, but the project failed because the surveyors could find no unpatented tracts large enough except in Frederick County, or on the barrens of what are now Baltimore and

[17] Archives, vol. vi, p. 71.
[18] Ibid., vol. vi, pp. 161, 294.
[19] Kilty, p. 229.
[20] Ibid., p. 101.
[21] Land Office, Warrants, LG No. A, p. 64; Kilty, p. 236.

Carroll counties, and possibly in the lower part of the Eastern Shore. None of these lands were thought worth reserving except those in Frederick County, where there were already two large manors.[22] In 1760 it was decided to lay out another manor in Frederick County, and again no unpatented tract of five thousand acres could be found except in the extreme western part of the province; but in 1764 a tract of ten thousand acres was reserved west of Fort Cumberland.[23] An account of the manors on the Western Shore, apparently made out about 1764, shows over one hundred thousand acres of manor and reserved land on that shore alone.[24]

Control of this vast estate was entrusted to a very inadequate organization. In the seventeenth century the management of manors seems to have been left at first to the governor and later to the land council. During the royal period the agent took charge of all the affairs of the proprietor. It is difficult to say what officers were put in charge of the manors immediately after the restoration. There was no organized system of control, but some persons seem to have had special duties concerning them. Bennett Lowe of St. Mary's County in 1722 is found empowered to lease all the manors on the Eastern Shore,[25] yet the officials of the land office seem to have been the persons who laid out new manors.[26] By the instructions to Governor Ogle in 1733 he was empowered, with the advice of the agent, to lease any manors or reserves, to appoint stewards or other officers for the same, and to determine what gratuities should be allowed these stewards. He was also empowered to determine the conditions on which land would be granted on each

[22] Archives, vol. vi, p. 52.
[23] Ibid., vol. xiv, pp. 370, 402; Kilty, p. 241.
[24] Johns Hopkins University Papers, box 40.
[25] Preamble of a lease recorded in Queen Anne County (Land Records, JK No. B, p. 119).
[26] Additional instructions to Philemon Lloyd in 1724 commend him for having laid out a manor on the Potomac. Quoted by Kilty, p. 229.

manor, and to notify the steward thereof.[27] From this grew up a system for the control of manors.

Under the fully developed plan the determination of large questions relating to terms of leases, sales of manor land, and the laying out of new manors was left to the governor and the agent, who frequently acted only after direct communication with the proprietor. In laying out new manors the initiative usually came from the proprietor through an instruction either to the governor or to the agent, who in turn sent word to the judges of the land office to issue no more patents for land within the prescribed limits.[28] All special matters relating to manors, such as special surveys, were managed by the governor under direct instructions from the proprietor.

The routine work of finding tenants, leasing lands, and collecting the rents was left to the stewards of the various manors.[29] These officers were given, by way of compensation, free tenure of one tenement on the manor; but it must not be thought that the steward always occupied this tenement in person. One man was frequently the steward of several manors. Young Parran, for instance, was at one time in charge of no less than eleven manors in Charles and St. Mary's counties.[30] When manor land was leased, the steward ran the lines of the tenement, made out a certificate, and drew a lease in duplicate. These were sent to the agent, who, if he approved, signed the leases himself, secured the governor's signature, and returned one of the duplicates to the steward to be delivered to the tenant. Each steward was supposed to keep a roll on which all leases were entered and which showed the amounts of rent due. According to

[27] Archives, vol. xxviii, pp. 67–68.

[28] For entries of such instructions, see Land Office, Warrants, EE, pp. 392, 526.

[29] Collington Manor in Prince George's County seems to have had no steward, but to have had its rents collected by the sheriff of the county. This condition, however, may have been but temporary. See a paper marked "A State of the Manors on the Western Shore" (Johns Hopkins University Papers, box 40).

[30] A State of the Manors on the Western Shore (Johns Hopkins University Papers, box 40).

this roll the rents were collected and turned over to the agent.[31]

The defects of this system are evident, as it provided no effective supervision of the manors, and it was to nobody's interest to see them tenanted and well managed. Finding and selecting tenants, as we have seen, was the most serious duty of those who would rent out land. This work was sadly neglected by the stewards, who, far from being encouraged to spend money or effort in securing tenants, found it actually to their interest to neglect to do so. Consequently, with no incentive to lead the stewards to an energetic discharge of their duties and with no supervision to force them to it, the proprietor's manors were permitted to fall into neglect and disorder.

The fact that rents on manors were somewhat lower than those on private lands led perhaps to a supply of tenants who applied for land of their own accord. Nevertheless, the manors were never entirely leased out, and Governor Sharpe suggested that the stewards should be encouraged to advertise for tenants.[32] The collection of rents seems also to have been neglected by the stewards. Agricultural tenants under fixed rents always experience years of failure when they are unable to pay, but the manor tenants seem to have been allowed to fall into arrears at times when there was no excuse for it. More important, however, than either of these two abuses was the familiar complaint that the tenants pillaged the land. In 1754, as we have seen, Sharpe wrote that it was necessary to protect the manors from exhaustion by inserting a clause in the leases restricting the amount of tobacco to be planted during the last three years of the tenancy.[33] The plunder of timber, also, was sometimes restrained by lease provisions that no timber should be sold; but tenements were often cleared up unduly in order to have the land in cultivation. According to an appraisement of Kent Manor made about 1765, out of fifty-seven tenements

[31] Archives, vol. ix, pp. 407–408.
[32] Ibid., vol. ix, p. 63.
[33] Ibid., vol. vi, p. 38.

only nineteen had sufficient timber.[34] In 1754 Secretary Calvert wrote to Edward Lloyd concerning the manors as follows: "Yr observation of the Ill-treatment of the Proprietor's Manors & the Tenements is so glaring abuse of [by] former Govrs. & Agents Receiver Genls. as seems to cancel obligation for them; [because of] their Suffering the Manors & Reserved Lands [to be] Let under no conditions of Restriction upon the Tenants, the Lands have been impoverish'd & Pillaged of the Timber, that occasions them Un-Tenanted."[35]

The loudest complaint against the management of manors was caused by the confusion of boundaries which resulted from inaccurate surveys and neglect of the preservation of leases. So great was the confusion into which the manors had fallen in this respect that when the proprietor about 1757 ordered surveys and plats to be made of all his manors, the surveyors found so many leases missing and so many lines intersecting that the project resulted in an almost complete failure.[36] Governor Sharpe wrote to Secretary Calvert on this subject as follows: "I have already observed to you that the Mannors have never been managed after so regular & orderly a Method as they ought some of the Leases have been Lodged with the Agent & of others he has not even seen copies. Many of the Stewards have been heretofore extremely negligent & some of them resided at so great a Distance from the Mannours which they were appointed to take Care of that perhaps they never or very seldom saw them, & indeed the Sallaries allowed were too small to encourage a Person of Credit to undertake that Duty or to induce any one to execute it with Dilligence."[37]

In spite of mismanagement and disorder the manors paid a handsome revenue. Before the restoration no present returns were expected, the only hope being for the future; but when leasing began in earnest, the revenues mounted

[34] Johns Hopkins University Papers, box 47.
[35] Calvert Papers, No. 2, p. 180.
[36] Archives, vol. vi, p. 522; vol. ix, p. 52.
[37] Ibid., vol. ix, p. 62.

rapidly. In 1731 the total receipt from manors, including fines and several payments of back rent, was £135 18s. 10½d. sterling, of which about £35 came from the Principio Iron Company in payment for lands to supply wood to the iron works.[38] By 1761 the revenue from this source was more than £1000.[39] Moreover, many tenements had been leased in the early days at low rents which were now gradually being increased as the leases were renewed. On Anne Arundel Manor, where, perhaps, rents were at their highest point, the manor rent-roll in 1755 amounted to £310 10s. 3d.,—almost exactly one half of the quit-rent from the county.[40] Had a little more attention been given to the development of these lands they might easily have been made to rival the quit-rent in the production of revenue.

Notwithstanding their productivity, the proprietor in 1764 suddenly resolved to sell all his manors. As late as April, 1764, orders to lay out new manors or reserves had given promise of not only a continuation but even an extension of the system. What led Secretary Calvert and Frederick, Lord Baltimore, to this sudden reversal of policy it is difficult to say. They may have been influenced by the argument of Daniel Dulany that the revenue from manors was not sufficient to pay interest on the capital involved.[41] A hun-

[38] Account of Lord Baltimore's Revenues (Calvert Papers, MS., No. 912).

[39] Account of Lord Baltimore's Revenues (Calvert Papers, MS., No. 977).

[40] Anne Arundel Rent-Roll, 1755 (Calvert Papers, MS., No. 899).

[41] On September 10, 1764, Dulany wrote to Calvert as follows:—"In a few years there will be very little vacant Land, & therefore there will be probably more Attention bestow'd upon the Improvement of the manors, or reserved Lands. Every Gentleman who lets out Land in this Country, knows, how difficult it is, with the utmost Care, to make any considerable profit by that scheme, & how impracticable it is, to get an annual Rent equal to half the Interest w^ch^ wou'd arise from the money, for which the Land wou'd sell, or to prevent the Abuses of Tenants in the Commission of waste . . . If Landlords on the Spot find little profit & suffer much from waste & Destruction of Timber, it may be easily imagin'd, that his Lordship finds less, & suffers more . . . If it be a fact, w^ch^ no one can controvert, that the Rent even when punctually paid, falls short considerably of the Interest of the money for which the Land wou'd sell—if his Lordship makes less Profit by his Leases. & suffers more from the abuses of waste, & the Destruction of

dred acre tenement worth £100 was not profitable, it was argued, when renting for only £5 per year and suffering an unavoidable waste of timber and fertility. This argument, however, leaves out of account the increase in the value of land, which had already made the manors a rich domain and by which they were steadily becoming more valuable. Governor Sharpe opposed Dulany, and held that if men in the colony thought it profitable to purchase land at high rates as they were doing, merely with a view of leasing it out later when patent land could not be obtained and rents were higher, it must be to the interest of the proprietor to retain what manors he had.[42] Perhaps the most potent argument for the sale of the manors was that the step seemed to afford a source of ready money, and the spendthrift proprietor never let the interests of posterity interfere with the interests of the present.

In 1765 orders were received to sell six manors in Charles, St. Mary's, and Somerset counties, totalling 28,530 acres, and all reserved lands that were not cultivated. The proprietor seems to have thought that these manors were entirely waste, and Governor Sharpe, on learning that all were in large part tenanted, seems to have delayed exposing them for sale until he could inform the proprietor of this fact.[43] The proprietor's reply was to appoint a commission of three—Sharpe, Dulany, and Jordan—to sell all manor lands, waste or cultivated.[44]

Timber, than other Gentlemen upon the spot generally do—if He loses the quit-rent, & the casual Profits of Alienation-fines, & Escheats by reserving his Lands, a loss to w^{ch} Others are not subject—it wou'd seem that it wou'd redound more to his Benefit to sell, than retain them. It is true Land may rise in its value; but of that there is not a very near prospect to those who reflect what immense Tracts of Land are now to be settled in America in Consequence of our late Acquisitions & that Land like every other Commodity is valuable, or not, in proportion to its Plenty, or scarcity & must rise very considerably indeed, in the Course of twenty years to compensate for the Loss of the above Interest, the common quit-rent, the Alienation-fine & the chance of Escheats in the mean time" (Calvert Papers, No. 2, pp. 242–243).

[42] Archives, vol. xiv, p. 204.

[43] Ibid., vol. xiv, pp. 189–93, 202–4.

[44] Council Records, JR and US, pp. 415–20; Kilty, p. 242.

Under this commission during the next few years much land was sold, but the demand was not so great as had been expected. Very few bidders appeared at the sales, and as the commissioners were forbidden to sell for less than ten shillings per acre, the lands had repeatedly to be withdrawn. Sharpe wrote in October, 1766, that at a sale at which the Queen Anne Manor and two parcels of escheated land in Anne Arundel County were offered, no bidders appeared except for one of the escheated tracts, for which the price went as high as thirty-one shillings per acre. For this apathy Sharpe assigned two reasons: "the Scarcity of Money in the Province is at present so great that few People have much to command, & the Tenants who if they had Money could afford to give more for their respective Tenements than any other Persons are in general very poor, & their Neighbours who are able to purchase seem to think it would be ungenerous to purchase over their Heads as they term it."[45]

The effect of these partial sales and withdrawals was merely to intersperse patented lands among what had previously been solid tracts of manor, and to demoralize the whole system. The attempt to sell was given up after a few years, and what lands were left unsold were retained by the proprietor until the Revolution. This interval was too short and too troubled for the proprietor to formulate any very definite policy toward the manors.

[45] Archives, vol. xiv, p. 335.

INDEX

JOHNS HOPKINS UNIVERSITY STUDIES
IN
Historical and Political Science
Under the Direction of the
Departments of History, Political Economy and Political Science

---

Thirty-first Series, 1913

The University Studies will continue to publish, as heretofore, the results of recent investigations in History, Political Economy and Political Science.

For the year 1913 the titles given below are now announced; other numbers will follow from time to time.

The Land System in Maryland, 1720-1765. By Clarence P. Gould. 75 cents; Cloth, $1.00.

The Government of American Trade Unions. By T. W. Glocker.

Political Parties in Virginia and their Relation to Slavery and Secession, 1846-1861. By D. S. Freeman.

The Free Negro in Virginia, 1619-1665. By J. H. Russell.

The Obligation of Contracts. By W. B. Hunting.

The cost of subscription for the regular annual series, comprising about 600 pages, is $3.00. Single numbers, or special monographs, at special prices. Complete contents of previous volumes given on pages ix–xii.

Disturbing Elements in the Study and Teaching of Political Economy

By JAMES BONAR

M.A. (*Oxford*), *LL.D.* (*Glasgow*)

156 Pages. 12mo. Cloth. $1.00

This volume consists of five lectures delivered at the Johns Hopkins University in the spring of 1910 by Dr. James Bonar, the distinguished English economist now filling the office of Deputy Master of the Royal Mint, Ottawa.

As the title suggests, the lectures are discourses not on economic error in general, but on the more subtle fallacies which are apt to invade the reasoning of trained economists in spite of learning and discipline. Such errors creep in from a popular political philosophy (Lecture I), from want of any political philosophy (II), from mistaken aversion to theory (III), from the shortcomings of common or technical language (IV), and from the wrong handling of distinctions of time (V).

The lectures are distinguished by the scholarly tone and philosophical breadth that characterize Dr. Bonar's writings.

Orders should be sent to

THE JOHNS HOPKINS PRESS,

BALTIMORE, MARYLAND

STUDIES IN HISTORY, ECONOMICS AND PUBLIC LAW

EDITED BY

THE FACULTY OF POLITICAL SCIENCE OF COLUMBIA UNIVERSITY

RECENT NUMBERS

VOLUME XLVIII, 1912. 493 pp. Price, cloth, $4.00.

1. [120] Isidor of Seville. By ERNEST BREHAUT, Ph.D. Price, $2.00.
2. [121] Progress and Uniformity in Child-Labor Legislation. By WILLIAM FIELDING OGBURN, Ph.D. Price, $1.75.

VOLUME XLIX, 1912. 592 pp. Price, cloth, $4.50.

1. [122] British Radicalism 1791-1797. By WALTER PHELPS HALL. Price, $2.00.
2. [123] A Comparative Study of the Law of Corporations. By ARTHUR K. KUHN, Ph.D. Price, $1.50.
3. [124] *The Negro at Work in New York City. By GEORGE E. HAYNES, Ph.D. Price, $1.25.

VOLUME L, 1912. 481 pp. Price, cloth, $4.00.

1. [125] *The Spirit of Chinese Philanthropy. By YAI YUE TSU, Ph.D. Price, $1.00.
2. [126] *The Alien in China. By VI KYUIN WELLINGTON KOO, Ph.D. Price, $2.50.

VOLUME LI, 1912. 4to. Atlas. Price, cloth, $1.50; Paper covers, $1.00.

1. [127] The Sale of Liquor in the South. By LEONARD S. BLAKEY, Ph.D.

VOLUME LII, 1912. 489 pp. Price, cloth, $4.00.

1. [128] *Provincial and Local Taxation in Canada. By SOLOMON VINEBERG, Ph.D. Price, $1.50.
2. [129] *The Distribution of Income. By FRANK HATCH STREIGHTOFF, Ph.D. Price, $1.50.
3. [130] *The Finances of Vermont. By FREDERICK A. WOOD, Ph.D. Price, $1.00.

VOLUME LIII, 1913. 769 pp. Price, cloth, $4.50; Paper, $4.00.

[131] The Civil War and Reconstruction in Florida. By W. W. DAVIS. Ph.D.

VOLUME LIV, 1913.

1. [132] Privileges and Immunities of Citizens of the United States. By ARNOLD JOHNSON LIEN. (*In press.*)
2. [133] The Supreme Court and Unconstitutional Legislation. By BLAINE FREE MOORE. (*In press.*)
3. [134] Indian Slavery in Colonial Times within the Present Limits of the United States. By ALMON WHEELER LAUBER. (*In press.*)

VOLUME LV, 1913.

1. [135] A Political History of the State of New York. By HOMER E. STEBBINS. (*In press.*)

The price for each volume is for the set of monographs in paper. Each volume, as well as the separate monographs marked *, can be supplied in cloth-bound copies for fifty cents additional. All prices are net.

The set of fifty-three volumes, comprising monographs 1-131 is offered bound for $172; except that Vol. II can be supplied only in part and in paper covers, No. 1 of that volume being out of print. Volumes I, III and IV can now be supplied only in connection with complete sets.

For further information apply to

Prof. EDWIN R. A. SELIGMAN, Columbia University,

or to MESSRS. LONGMANS, GREEN & CO., New York.

London: P. S. KING & SON, Orchard House, Westminster.

A REPRINT OF
ECONOMIC TRACTS

The Johns Hopkins Press invites subscriptions to a reprint of four important economic essays of the eighteenth century, to be issued consecutively under the editorial direction of Professor Hollander:—

The Querist, containing several queries, proposed to the consideration of the public. Parts I, II, III. By George Berkeley. Dublin, 1735–37. (Ready.)

An Essay on the Governing Causes of the Natural Rate of Interest; wherein the sentiments of Sir William Petty and Mr. Locke, on that head, are considered. By Joseph Massie. London, 1750. (Ready.)

Money answers all Things: or an essay to make money sufficiently plentiful amongst all ranks of people, and increase our foreign and domestick trade. By Jacob Vanderlint. London, 1734. (In press.)

An Essay on Ways and Means for raising Money for the support of the present war, without increasing the public debts. By Francis Fauquier. London, 1756.

Each tract will be supplied by the editor with a brief introduction and with text annotations where indispensable. The general appearance of the title-page will be preserved, and the original pagination will be indicated.

The edition will be limited to five hundred copies. With a view to serving the largest student usefulness, the subscription for the entire series of four tracts has been fixed at the net price of Two Dollars.

Of the tracts heretofore reprinted, a limited number can yet be obtained, as follows. As the editions approach exhaustion, the prices indicated are likely to be increased without notice:—

Asgill, "Several Assertions Proved." London, 1696. Price, 50 cents.

Barbon, "A Discourse of Trade." London, 1690. Price, 50 cents.

Fortrey, "England's Interest Considered." Cambridge, 1663. Price, 50 cts.

Longe, "A Refutation of the Wage-Fund Theory." London, 1866. Price, 75 cents.

Malthus, "An Inquiry into the Nature and Progress of Rent." London, 1815. Price, 75 cents.

North, "Discourses upon Trade." London, 1691. Price, 50 cents.

Ricardo, "Three Letters on 'The Price of Gold.'" London, 1809. Price, 75 cents.

West, "Essay on the Application of Capital to Land." London, 1815. Price, 75 cents.

Subscriptions and orders should be sent to

THE JOHNS HOPKINS PRESS

BALTIMORE, MD.

Four Phases of American Development

FEDERALISM—DEMOCRACY—IMPERIALISM—EXPANSION

BY

JOHN BASSETT MOORE, LL.D

Professor of International Law, Columbia University, New York; Sometime Assistant Secretary of State of the United States; Author of a Digest of International Law, of a History and Digest of International Arbitration, of "American Diplomacy, Its Spirit and Achievements," etc.

Four Lectures Delivered at the Johns Hopkins University in April, 1911

---

218 Pages. Crown 8vo. Cloth. Price, $1.50

The lectures embraced in this volume are designed to sketch in clear and vivid outline the great movements by which the historical development of the United States is distinguished and to indicate the causes to which they were due. The order in which the several topics are discussed is not intended to denote a strict chronological succession; hence they are described as phases rather than as stages of development. While federalism, democracy and imperialism give a dominant impress to successive periods, yet expansion has characterized the entire course of American history. The misapprehension so widely entertained, that imperialism began with the war with Spain is corrected. The imperialistic tendency, observable from the beginning, is shown to have assumed a specially pronounced form in the Civil War and in the measures of national self-preservation to which that great conflict gave rise.

Orders should be addressed to

THE JOHNS HOPKINS PRESS

BALTIMORE, MARYLAND

JOHNS HOPKINS UNIVERSITY STUDIES

IN

HISTORICAL AND POLITICAL SCIENCE

Edited by HERBERT B. ADAMS, 1882-1901

---

* Not sold separately.

FIRST SERIES.—1883.—$4.00.

I. An Introduction to American Institutional History. By E. A. FREEMAN. 25 cents.
II. The Germanic Origin of New England Towns. By H. B. ADAMS. 50 cents.
III. Local Government in Illinois. By ALBERT SHAW.—Local Government in Pennsylvania. By E. R. L. GOULD. 30 cents.
IV. Saxon Tithingmen in America. By H. B. ADAMS. 50 cents.
V. Local Government in Michigan and the Northwest. By E. W. BEMIS. 25 cents.
VI. Parish Institutions of Maryland. By EDWARD INGLE. 40 cents.
VII. Old Maryland Manors. By JOHN HEMSLEY JOHNSON. 30 cents.
VIII. Norman Constables in America. By H. B. ADAMS. 50 cents.
IX-X. Village Communities of Cape Ann and Salem. By H. B. ADAMS. 50 cents.
XI. The Genesis of a New England State. By A. JOHNSTON. 30 cents.
*XII. Local Government and Schools in South Carolina. By B. J. RAMAGE.

SECOND SERIES.—1884.—$4.00.

(Volume sold only with complete sets.)

*I-II. Methods of Historical Study. By H. B. ADAMS.
III. The Past and Present of Political Economy. By R. T. ELY. 35 cents.
IV. Samuel Adams, the Man of the Town Meeting. By JAMES K. HOSMER. 35 cents.
V-VI. Taxation in the United States. By HENRY CARTER ADAMS. 50 cents.
VII. Institutional Beginnings in a Western State. By JESSE MACY. 25 cents.
VIII-IX. Indian Money in New England, etc. By WILLIAM B. WEEDEN. 50 cents.
*X. Town and County Government in the Colonies. By E. CHANNING.
*XI. Rudimentary Society among Boys. By J. HEMSLEY JOHNSON.
XII. Land Laws of Mining Districts. By C. H. SHINN. 50 cents.

THIRD SERIES.—1885.—$4.00.

I. Maryland's Influence upon Land Cessions to the U. S. By H. B. ADAMS. 75 cents.
II-III. Virginia Local Institutions. By E. INGLE. 75 cents.
IV. Recent American Socialism. By RICHARD T. ELY. 50 cents.
V-VI-VII. Maryland Local Institutions. By LEWIS W. WILHELM. $1.00.
VIII. Influence of the Proprietors in Founding New Jersey. By A. SCOTT. 25 cents.
IX-X. American Constitutions. By HORACE DAVIS. 50 cents.
XI-XII. The City of Washington. By J. A. PORTER. 50 cents.

FOURTH SERIES.—1886.—$3.50.

(Volume sold only with complete sets.)

I. Dutch Village Communities on the Hudson River. By I. ELTING. 50 cents.
II-III. Town Government in Rhode Island. By W. E. FOSTER.—The Narragansett Planters. By EDWARD CHANNING. 50 cents.
*IV. Pennsylvania Boroughs. By WILLIAM P. HOLCOMB.
V. Introduction to Constitutional History of the States. By J. F. JAMESON. 50 cents.
*VI. The Puritan Colony at Annapolis, Maryland. By D. R. RANDALL.
VII-VIII-IX. The Land Question in the United States. By S. SATO. $1.00.
X. Town and City Government of New Haven. By C. H. LEVERMORE. 50 cents.
XI-XII. Land System of the New England Colonies. By M. EGLESTON. 50 cents.

FIFTH SERIES.—1887.—$3.50.

I-II. City Government of Philadelphia. By E. P. ALLINSON and B. PENROSE. 50 cents.
III. City Government of Boston. By JAMES M. BUGBEE. 25 cents.
*IV. City Government of St. Louis. By MARSHALL S. SNOW.
V-VI. Local Government in Canada. By JOHN GEORGE BOURINOT. 50 cents.
VII. Effect of the War of 1812 upon the American Union. By N. M. BUTLER. 25 cents.
VIII. Notes on the Literature of Charities. By HERBERT B. ADAMS. 25 cents.
IX. Predictions of Hamilton and De Tocqueville. By JAMES BRYCE. 25 cents.
X. The Study of History in England and Scotland. By P. FREDERICQ. 25 cents.
XI. Seminary Libraries and University Extension. By H. B. ADAMS. 25 cents.
XII. European Schools of History and Politics. By A. D. WHITE. 25 cents.

SIXTH SERIES.—1888.—$3.50.

The History of Co-operation in the United States.

SEVENTH SERIES.—1889.

(Volume sold only with complete set.)

I. Arnold Toynbee. By F. C. MONTAGUE. 50 cents.
II-III. Municipal Government in San Francisco. By BERNARD MOSES. 50 cents.
IV. Municipal History of New Orleans. By WM. W. HOWE. 25 cents.
*V-VI. English Culture in Virginia. By WILLIAM P. TRENT.
VII-VIII-IX. The River Towns of Connecticut. By CHARLES M. ANDREWS. $1.00.
*X-XI-XII. Federal Government in Canada. By JOHN G. BOURINOT.

EIGHTH SERIES.—1890.

(Volume sold only with complete set.)

I-II. The Beginnings of American Nationality. By A. W. SMALL. $1.00.
III. Local Government in Wisconsin. By D. E. SPENCER. 25 cents.
*IV. Spanish Colonization in the Southwest. By F. W. BLACKMAR.
V-VI. The Study of History in Germany and France. By P. FREDERICQ. $1.00.
VII-IX. Progress of the Colored People of Maryland. By J. R. BRACKETT. $1.00.
*X. The Study of History in Belgium and Holland. By P. FREDERICQ.
XI-XII. Seminary Notes on Historical Literature. By H. B. ADAMS and others. 50 cents.

NINTH SERIES.—1891.

(Volume sold only with complete set.)

*I-II. Government of the United States. By W. W. WILLOUGHBY and W. F. WILLOUGHBY.
III-IV. University Education in Maryland. By B. C. STEINER. The Johns Hopkins University (1876-1891). By D. C. GILMAN. 50 cents.
*V-VI. Municipal Unity in the Lombard Communes. By W. K. WILLIAMS.
VII-VIII. Public Lands of the Roman Republic. By A. STEPHENSON. 75 cents.
IX. Constitutional Development of Japan. By T. IYENAGA. 50 cents.
*X. A History of Liberia. By J. H. T. MCPHERSON.
XI-XII. The Indian Trade in Wisconsin. By F. J. TURNER. 50 cents.

TENTH SERIES.—1892.—$3.50.

I. The Bishop Hill Colony. By MICHAEL A. MIKKELSEN. 50 cents.
II-III. Church and State in New England. By PAUL E. LAUER. 50 cents.
IV. Church and State in Maryland. By GEORGE PETRIE. 50 cents.
V-VI. Religious Development of North Carolina. By S. B. WEEKS. 50 cents.
VII. Maryland's Attitude in the Struggle for Canada. By J. W. BLACK. 50 cents.
VIII-IX. The Quakers in Pennsylvania. By A. C. APPLEGARTH. 75 cents.
X-XI. Columbus and his Discovery of America. By H. B. ADAMS and H. WOOD. 50 cents.
XII. Causes of the American Revolution. By J. A. WOODBURN. 50 cents.

ELEVENTH SERIES.—1893.—$3.50.

I. The Social Condition of Labor. By E. R. L. GOULD. 50 cents.
II. The World's Representative Assemblies of To-Day. By E. K. ALDEN. 50 cents.
III-IV. The Negro in the District of Columbia. By EDWARD INGLE. $1.00.
V-VI. Church and State in North Carolina. By STEPHEN B. WEEKS. 50 cents.
VII-VIII. The Condition of the Western Farmer, etc. By A. F. BENTLEY. $1.00.
IX-X. History of Slavery in Connecticut. By BERNARD C. STEINER. 75 cents.
XI-XII. Local Government in the South. By E. W. BEMIS and others. $1.00.

TWELFTH SERIES.—1894.—$3.50.

I-II. The Cincinnati Southern Railway. By J. H. HOLLANDER. $1.00.
III. Constitutional Beginnings of North Carolina. By J. S. BASSETT. 50 cents.
IV. Struggle of Dissenters for Toleration in Virginia. By H. R. MCILWAINE. 50 cents.
V-VI-VII. The Carolina Pirates and Colonial Commerce. By S. C. HUGHSON. $1.00.
VIII-IX. Representation and Suffrage in Massachusetts. By G. H. HAYNES. 50 cents.
X. English Institutions and the American Indian. By J. A. JAMES. 25 cents.
XI-XII. International Beginnings of the Congo Free State. By J. S. REEVES. 50 cents.

THIRTEENTH SERIES.—1895.—$3.50.

I-II. Government of the Colony of South Carolina. By E. L. WHITNEY. 75 cents.
III-IV. Early Relations of Maryland and Virginia. By J. H. LATANÉ. 50 cents.
V. The Rise of the Bicameral System in America. By T. F. MORAN. 50 cents.
VI-VII. White Servitude in the Colony of Virginia. By J. C. BALLAGH. 50 cents.
VIII. The Genesis of California's First Constitution. By R. D. HUNT. 50 cents.
IX. Benjamin Franklin as an Economist. By W. A. WETZEL. 50 cents.
X. The Provisional Government of Maryland. By J. A. SILVER. 50 cents.
XI-XII. Government and Religion of the Virginia Indians. By S. R. HENDREN. 50 cents.

FOURTEENTH SERIES.—1896.—$3.50.

I. Constitutional History of Hawaii. By HENRY E. CHAMBERS. 25 cents.
II. City Government of Baltimore. By THADDEUS P. THOMAS. 25 cents.
III. Colonial Origins of New England Senates. By F. L. RILEY. 50 cents.
IV-V. Servitude in the Colony of North Carolina. By J. S. BASSETT. 50 cents.
VI-VII. Representation in Virginia. By J. A. C. CHANDLER. 50 cents.
VIII. History of Taxation in Connecticut (1636-1776). By F. R. JONES. 50 cents.
IX-X. A Study of Slavery in New Jersey. By HENRY S. COOLEY. 50 cents.
XI-XII. Causes of the Maryland Revolution of 1689. By F. E. SPARKS. 50 cents.

FIFTEENTH SERIES.—1897.—$3.50.

I-II. The Tobacco Industry in Virginia since 1860. By B. W. ARNOLD. 50 cents.
III-V. Street Railway System of Philadelphia. By F. W. SPEIRS. 75 cents.
VI. Daniel Raymond. By C. P. NEILL. 50 cents.
VII-VIII. Economic History of B. & O. R. R. By M. REIZENSTEIN. 50 cents.
IX. The South American Trade of Baltimore. By F. R. RUTTER. 50 cents.
X-XI. State Tax Commissions in the United States. By J. W. CHAPMAN. 50 cents.
XII. Tendencies in American Economic Thought. By S. SHERWOOD. 25 cents.

SIXTEENTH SERIES.—1898.—$3.50.

I-IV. The Neutrality of the American Lakes, etc. By J. M. CALLAHAN. $1.25. Cloth, $1.50.
V. West Florida. By H. E. CHAMBERS. 25 cents.
VI. Anti-Slavery Leaders of North Carolina. By J. S. BASSETT. 50 cents.
VII-IX. Life and Administration of Sir Robert Eden. By B. C. STEINER. $1.00.
X-XI. The Transition of North Carolina from a Colony. By E. W. SIKES. 50 cents.
XII. Jared Sparks and Alexis De Tocqueville. By H. B. ADAMS. 25 cents.

SEVENTEENTH SERIES.—1899.—$3.50.

I-II-III. History of State Banking in Maryland. By A. C. Bryan. $1.00.
IV-V. The Know-Nothing Party in Maryland. By L. F. Schmeckebier. 75 cents.
VI. The Labadist Colony in Maryland. By B. B. James. 50 cents.
VII-VIII. History of Slavery in North Carolina. By J. S. Bassett. 75 cents.
IX-X-XI. Development of the Chesapeake & Ohio Canal. By G. W. Ward. 75 cents.
XII. Public Educational Work in Baltimore. By Herbert B. Adams. 25 cents.

EIGHTEENTH SERIES.—1900.—$3.50.

I-IV. Studies in State Taxation. Edited by J. H. Hollander. Paper, $1.00; cloth, $1.25
V-VI. The Colonial Executive Prior to the Restoration. By P. L. Kaye. 50 cents.
VII. Constitution and Admission of Iowa into the Union. By J. A. James. 30 cents.
VIII-IX. The Church and Popular Education. By H. B. Adams. 50 cents.
X-XII. Religious Freedom in Virginia: The Baptists. By W. T. Thom. 75 cents.

NINETEENTH SERIES.—1901.—$3.50.

I-III. America in the Pacific and the Far East. By J. M. Callahan. 75 cents.
IV-V. State Activities in Relation to Labor. By W. F. Willoughby. 50 cents.
VI-VII. History of Suffrage in Virginia. By J. A. C. Chandler. 50 cents.
VIII-IX. The Maryland Constitution of 1864. By W. S. Myers. 50 cents.
X. Life of Commissary James Blair. By D. E. Motley. 25 cents.
XI-XII. Gov. Hicks of Maryland and the Civil War. By G. L. Radcliffe. 50 cents.

TWENTIETH SERIES.—1902.—$3.50.

I. Western Maryland in the Revolution. By B. C. Steiner. 30 cents.
II-III. State Banks since the National Bank Act. By G. E. Barnett. 50 cents.
IV. Early History of Internal Improvements in Alabama. By W. E. Martin. 80 cents.
*V-VI. Trust Companies in the United States. By George Cator.
VII-VIII. The Maryland Constitution of 1851. By J. W. Harry. 50 cents.
IX-X. Political Activities of Philip Freneau. By S. E. Forman. 50 cents.
XI.-XII. Continental Opinion on a Middle European Tariff Union. By G. M. Fisk. 30 cts.

TWENTY-FIRST SERIES.—1903.—$3.50.

I-II. The Wabash Trade Route. By E. J. Benton. 50 cents.
III-IV. Internal Improvements in North Carolina. By C. C. Weaver. 50 cents.
V. History of Japanese Paper Currency. By M. Takaki. 30 cents.
VI-VII. Economics and Politics in Maryland, 1720-1750, and the Public Services of Daniel Dulany the Elder. By St. G. L. Sioussat. 50 cents.
VIII-IX-X. Beginnings of Maryland, 1631-1639. By B. C. Steiner. 75 cents.
XI-XII. The English Statutes in Maryland. By St. G. L. Sioussat. 50 cents.

TWENTY-SECOND SERIES.—1904.—$3.50.

I-II. A Trial Bibliography of American Trade-Union Publications. 50 cents.
III-IV. White Servitude in Maryland, 1634-1820. By E. I. McCormac. 50 cents.
V. Switzerland at the Beginning of the Sixteenth Century. By J. M. Vincent. 30 cents.
VI-VII-VIII. The History of Reconstruction in Virginia. By H. J. Eckenrode. 50 cts.
IX-X. The Foreign Commerce of Japan since the Restoration. By Y. Hattori. 50 cents.
XI-XII. Descriptions of Maryland. By B. C. Steiner. 50 cents.

TWENTY-THIRD SERIES.—1905.—$3.50.

I-II. Reconstruction in South Carolina. By J. P. Hollis. 50 cents.
III-IV. State Government in Maryland, 1777-1781. By B. W. Bond, Jr. 50 cents.
V-VI. Colonial Administration under Lord Clarendon, 1660-1667. By P. L. Kaye. 50 cts.
VII-VIII. Justice in Colonial Virginia. By O. P. Chitwood. 50 cents.
IX-X. The Napoleonic Exiles in America, 1815-1819. By J. S. Reeves. 50 cents.
XI-XII. Municipal Problems in Mediaeval Switzerland. By J. M. Vincent. 50 cents.

TWENTY-FOURTH SERIES.—1906.—$3.50.

I-II. Spanish-American Diplomatic Relations before 1898. By H. E. Flack. 50 cents.
III-IV. The Finances of American Trade Unions. By A. M. Sakolski. 75 cents.
V-VI. Diplomatic Negotiations of the United States with Russia. By J. C. Hildt. 50 cts.
VII-VIII. State Rights and Parties in North Carolina, 1776-1831. By H. M. Wagstaff. 50c.
IX-X. National Labor Federations in the United States. By William Kirk. 75 cents.
XI-XII. Maryland During the English Civil Wars. Part I. By B. C. Steiner. 50 cents.

TWENTY-FIFTH SERIES.—1907.—$3.50.

I. Internal Taxation in the Philippines. By John S. Hord. 30 cents.
II-III. The Monroe Mission to France, 1794-1796. By B. W. Bond, Jr. 50 cents.
IV-V. Maryland During the English Civil Wars, Part II. By Bernard C. Steiner. 50c.
VI-VII. The State in Constitutional and International Law. By R. T. Crane. 50 cents.
VIII-IX-X. Financial History of Maryland, 1789-1848. By Hugh S. Hanna. 75 cents.
XI-XII. Apprenticeship in American Trade Unions. By J. M. Motley. 50 cents.

TWENTY-SIXTH SERIES.—1908.—$3.50.

I-III. British Committees, Commissions, and Councils of Trade and Plantations, 1622-1675. By C. M. Andrews. 75 cents.
IV-VI. Neutral Rights and Obligations in the Anglo-Boer War. By R. G. Campbell. 75 cents.
VII-VIII. The Elizabethan Parish in its Ecclesiastical and Financial Aspects. By S. L. Ware. 50 cents.
IX-X. A Study of the Topography and Municipal History of Praeneste. By R. V. D. Magoffin. 50 cents.
XI-XII. Beneficiary Features of American Trade Unions. By J. B. Kennedy. 50 cents.

TWENTY-SEVENTH SERIES.—1909.—$3.50.

I-II. The Self-Reconstruction of Maryland, 1864-1867. By W. S. Myers. 50 cents.

III-IV-V. The Development of the English Law of Conspiracy. By J. W. Bryan. 75 cents.

VI-VII. Legislative and Judicial History of the Fifteenth Amendment. By J. M. Mathews. 75 cents; cloth $1.

VIII-XII. England and the French Revolution, 1789-1797. By W. T. Laprade. $1.

TWENTY-EIGHTH SERIES.—1910.—$3.50.

(Complete in four numbers.)

I. History of Reconstruction in Louisiana (Through 1868). By J. R. Ficklen. $1.00; cloth $1.25.

II. The Trade Union Label. By E. R. Spedden. 50 cents; cloth 75 cents.

III. The Doctrine of Non-Suability of the State in the United States. By K. Singewald. 50 cents; cloth 75 cents.

IV. David Ricardo: A Centenary Estimate. By J. H. Hollander. $1.00; cloth $1.25.

TWENTY-NINTH SERIES.—1911.—$3.50.

(Complete in three numbers.)

I. Maryland Under the Commonwealth: A Chronicle of the years 1649-1658. By B. C. Steiner. $1; cloth, $1.25.

II. The Dutch Republic and the American Revolution. By Friedrich Edler. $1.50; cloth $1.75.

III. The Closed Shop in American Trade Unions. By F. T. Stockton. $1.00; cloth $1.25.

THIRTIETH SERIES.—1912.—$3.50.

(Complete in three numbers.)

I. Administration in Virginia. By F. A. Magruder. $1.25; cloth $1.50.

II. The Standard Rate in American Trade Unions. By D. A. McCabe. $1.25; cloth $1.50.

III. Admission to American Trade Unions. By F. E. Wolfe. $1.00; cloth $1.25.

The set of thirty series of Studies is offered, uniformly bound in cloth, for library use for $106.00 net.

NOTES SUPPLEMENTARY TO THE STUDIES IN HISTORY AND POLITICS.

PRICE OF THESE NOTES, TEN CENTS EACH, UNLESS OTHERWISE INDICATED.

Municipal Government in England. By Dr. Albert Shaw.

Social Work in Australia and London. By William Grey.

Encouragement of Higher Education. By Prof. H. B. Adams.

The Problem of City Government. By Hon. Seth Low.

The Libraries of Baltimore. By Dr. P. R. Uhler.

Work Among the Workingwomen of Baltimore. By Prof. H. B. Adams.

Charities: The Relation of the State, the City, and the Individual to Modern Philanthropic Work. By Dr. A. G. Warner.

Law and History. By Dr. Walter B. Scaife.

The Needs of Self-Supporting Women. By Miss Clara de Graffenreid.

Early Presbyterianism in Maryland. By Rev. J. W. McIlvain.

The Educational Aspect of the U. S. National Museum. By Professor O. T. Mason.

University Extension and the University of the Future. By Richard G. Moulton.

The Philosophy of Education. By Dr. William T. Harris.

Popular Election of U. S. Senators. By John Haynes.

A Memorial of Lucius S. Merriam. By J. H. Hollander and others.

Is History Past Politics? By Professor Herbert B. Adams.

Lay Sermons. By Amos G. Warner; with a biographical sketch by George E. Howard. Price twenty-five cents.

Extra Volumes of Studies

IN

Historical and Political Science

Those marked with an asterisk (*) are out of print.

*I. **The Republic of New Haven.** By CHARLES H. LEVERMORE. 342 pages.

II. **Philadelphia, 1681-1887.** By EDWARD P. ALLISON, A.M., and BOIES PENROSE, A.B. 444 pages. 8vo. Cloth. $3.00.

*III. **Baltimore and the Nineteenth of April, 1861.** By GEORGE WILLIAM BROWN. 176 pages.

IV. **Local Constitutional History of the United States.** By GEORGE E. HOWARD, Ph.D.—Volume I—Development of the Township, Hundred and Shire. 542 pages. 8vo. Cloth. $3.00.

VI. **The Negro in Maryland.** By JEFFREY R. BRACKETT, Ph.D. 270 pages. 8vo. Cloth. $2.00.

VII. **The Supreme Court of the United States.** By W. W. WILLOUGHBY, Ph.D. 124 pages. 8vo. Cloth. $1.25.

VIII. **The Intercourse between the U. S. and Japan.** By INAZO (OTA) NITOBE, Ph.D. 198 pages. 8vo. Cloth. $1.25.

*IX. **State and Federal Government in Switzerland.** By JOHN MARTIN VINCENT. 250 pages.

X. **Spanish Institutions of the Southwest.** By FRANK W. BLACKMAR, Ph.D. 380 pages. 8vo. Cloth. $2.00.

XI. **An Introduction to the Study of the Constitution.** By MORRIS M. COHN. 250 pages. 8vo. Cloth. $1.50.

XII. **The Old English Manor.** By C. M. ANDREWS, Ph.D. 280 pages. 8vo. Cloth, $1.50.

*XIII. **America: Its Geographical History, 1492-1892.** By WALTER B. SCAIFE. 176 pages.

*XIV. **Florentine Life During the Renaissance.** By WALTER B. SCAIFE.

XV. **The Southern Quakers and Slavery.** By STEPHEN B. WEEKS, Ph.D. 414 pages. 8vo. Cloth. $2.00.

XVI. **Contemporary American Opinion of the French Revolution.** By C. D. HAZEN, Ph.D. 325 pages. 8vo. Cloth. $2.00.

*XVII. **Industrial Experiments in the British Colonies of North America.** By ELEANOR L. LORD. 164 pages. 8vo. Cloth. $1.25.

XVIII. **State Aid to Higher Education:** A Series of Addresses at the Johns Hopkins University. 100 pages. 8vo. Cloth. $1.00.

* XIX. **Irrigation in Utah.** By C. H. BROUGH. 228 pages.

XX. **Financial History of Baltimore.** By J. H. HOLLANDER, Ph.D. 400 pages. 8vo. Cloth. $2.00.

XXI. **Cuba and International Relations.** By J. M. CALLAHAN. 503 pages. 8vo. Cloth. $3.00.

XXII. **The American Workman.** By E. LEVASSEUR (translation). 540 pages. 8vo. Cloth. $3.00.

XXIII. **Herbert B. Adams.** A Memorial Volume. 232 pages. 8vo. Cloth.

XXIV. **A History of Slavery in Virginia.** By J. C. BALLAGH. 160 pages. 8vo. Cloth. $1.50.

XXV. **The Finances and Administration of Providence, 1636-1901.** By HOWARD K. STOKES. 474 pages. 8vo. Cloth. $3.50.

XXVI. **The Adoption of the Fourteenth Amendment.** By HORACE E. FLACK. 286 pages. 8vo. Cloth. $2.00.

NEW SERIES.

I. **The Revision and Amendment of State Constitutions.** W. F. DODD. 368 pages. 8vo. Cloth. $2.00.